

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39905 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -NARDIGANJ District- NAWADA

1. Ravindra Singh @ Ravindra Kumar Singh Son of Late Kedar Singh
resident of Village- Ramey, Police Station- Nardiganj, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lala Sheshendra Narayan Rais

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 27-10-2016

Heard both sides.

The petitioner apprehends arrest in connection with Nardiganj P.S. Case No. 67 of 2015 under sections 307, 379 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act pending in the court of the learned Sub-divisional Judicial Magistrate, Nawadah.

The informant named seven persons including the petitioner in the first information report and alleged that they all surrounded his brother Navin Kumar and Ranjit Kumar in his own field and they were abusing them. Dayanand Pandey fired on the informant but the informant saved himself. Navin Kumar started fleeing away on which Ravindra Singh, the petitioner, fired from his revolver which hit on the neck of Navin Kumar and

blood started oozing out. Ranjeet Kumar also started fleeing away but Rakesh Pandey fired from his pistol which hit in the abdomen of Ranjeet Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent. Petitioner is Mukhia of Gram Panchayat. There is land dispute between the informant and Parmanand. The petitioner mediated between the two and that is why the petitioner has also been implicated in this case. The falsity of the case appears from the fact that the I.O. collected the injury report after about eight months. The doctor issued injury report on 25.02.2016 although the occurrence is said to have taken place on 16.06.2015. The I.O. went to record the statement of the injured but the injured refused to make any statement before the I.O. and, therefore, there is no material to show the involvement of the petitioner. The police submitted final form finding the case false against the petitioner but the learned Judicial Magistrate, took cognizance.

On the other hand, learned A. P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that it is true that under the influence of the petitioner the police did not record the statement of the injured nor visited the hospital to get the injury report. The

injured was admitted in N. M.C.H. and still pellet is embedded in the neck of the injured. The injured after coming out from the hospital filed Criminal writ being Cr.W.J.C. No. 853 of 2015 and thereafter upon the direction of this Court, the I.O. was changed and prompt investigation was done. The statements of the injured were taken and the injury report was obtained. The reason shown for submitting the final form finding the case false against the petitioner sans reasoning and the learned Judicial Magistrate has rightly taken cognizance against the petitioner. It appears that there is specific allegation against the petitioner that he fired which caused pellet injury in the neck of Navin Kumar.

Considering the facts aforesaid, I am not inclined to grant privilege of anticipatory bail to the petitioner. His prayer for grant of anticipatory bail is, accordingly, rejected.

(Prabhat Kumar Jha, J)

Amin/-

U			
---	--	--	--