

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50886 of 2015

Arising Out of PS.Case No. -233 Year- 2014 Thana -HAJIPUR SADAR District-
 VAISHALI(HAJIPUR)

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Manoj Singh son of Sachidanand Singh, resident of Village- Koari Khurd,
 P.O. Balwa Koari, P.S. Hajipur Sadar, District Vaishali.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the State : Mr. Sunil Kumar Pandey, App

For the Informant : Mr. Man Mohan Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
 PRATAP SINGH**

ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and the State as well as learned counsel appearing for the Informant.

The petitioner apprehends his arrest in a case under sections 147, 148, 447, 323, 324, 307, 328, 436, 302 of the Indian Penal Code.

The informant Sudhir Kumar Singh in his F.I.R. recorded on 29.5.2014 at 9 A.M. in injured conditions in Sadar Hospital, Hajipur stated that on 28.5.2014 at about 6 PM, a number of accused persons including the petitioner Manoj Singh and his brother Raju Singh came at his house. It is alleged that accused Raju Singh directed to snatch golden chain from his sister's neck to which the informant protested. It is further alleged that accused Raju Singh assaulted the informant with iron rod on his head causing simple injury, while the petitioner struck with iron rod on his right hand causing fractured injuries. Some other accused also

assaulted him and other family members who tried to intervene.

It is alleged that the petitioner exhorted others to kill his handicapped brother Bhola Singh where upon accused Raju Singh and Subhash Singh forcefully thrust some materials in his mouth as a result of which he died sometime thereafter.

The petitioner submits that even assuming the allegations to be true, he is said to have assaulted with iron rod on the right hand of the informant. There is no allegation that he assaulted on the vital part of the body of the informant. He next submits that the co-accused Raju Singh who struck with iron rod on the head of the informant has been allowed Anticipatory Bail.

On the other hand, learned counsel for the State as well as learned counsel for the Informant opposed the prayer for anticipatory bail of the petitioner. They submit that the injuries caused by the accused Raju Singh on the head of the informant was simple in nature, whereas the petitioner struck with iron rod on the right hand of the informant which caused fractured injuries.

It appears that the accused Raju Singh has been enlarged on the following considerations:

- i) The injury caused on the head of the informant was simple in nature
- ii) The forensic report ruled out any foreign materials in the body of the deceased Bhola Singh which he was alleged to have

administered

iii) There was a case and counter case between the parties.

On perusal of the materials, I find that the petitioner exhorted other accused to kill Bhola Singh who was physically handicapped. Further more, he caused fractured injury on the hand of the informant.

Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. His prayer for anticipatory bail is rejected. However, if he surrenders and prays for regular bail, the same would be disposed of on the same day without prejudice and also taking into consideration that the informant sustained injuries on his non-vital part of the body.

(Samarendra Pratap Singh, J)

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