

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56707 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -AURAI District- MUZAFFARPUR

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1. Nand Kishore Singh, Son of Late Kailash Singh Resident of Village-
Chahunta, P.S.-Aurai, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 14-12-2017 Heard Sri Ajay Kumar Thakur, the learned counsel
for the petitioner, the learned counsel for the informant as well as
the learned Additional Public Prosecutor.

The petitioner apprehends his arrest in Aurai P.S.
case No. 102 of 2017 for the offences punishable under Section
307 and other sections of the Indian Penal Code.

The informant alleged that Meena Devi and Trilok
Singh were plucking mangoes from his garden. When the
informant forbade all the accused persons came and Nand Kishore
Singh, the petitioner, is alleged to have assaulted the informant
with iron rod on his head.

The learned counsel for the petitioner submits that
petitioner is own brother of the informant. There is admitted land
dispute between the informant and petitioner. The occurrence took
place on 29.05.2017 but written report was submitted on
15.06.2017, i.e., after 18 days of the occurrence. It is further
submitted that the police has not collected any injury report. Other



accused persons have already been enlarged on bail.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for anticipatory bail and submitted that it was the petitioner who assaulted the informant with iron rod causing loss of eye sight of left eye of the informant. The doctor has opined the injury to be grievous in nature.

It appears that, of course, the informant lodged the case after many days of the occurrence but there is specific allegation that it was the petitioner who gave iron rod blow on the head of informant causing loss of eye sight of left eye of the informant.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., Additional Chief Judicial Magistrate, Muzaffarpur, East, in Aurai P.S. case No. 102 of 2017, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit taking into consideration that petitioner is retired Army personnel.

(Prabhat Kumar Jha, J)

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