

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60511 of 2017

Arising Out of PS. Case No.-97 Year-2017 Thana- PARSA District- Saran

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Tuntun Singh, son of Shatrughna Singh, resident of Village- Manki Manmal
(Bahalolpur Diyara), P.S.- Parsa, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 05-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Parsa P.S. case no. 97
of 2017 instituted for the offence under Section(s)
147,148,149,307, 302 and 326 of the Indian Penal Code.

Learned counsel for the petitioner submits that occurrence
has taken place on account of land dispute. The petitioner has
clean antecedents.

In the written report, it is alleged that on the date of
occurrence co-accused Shatrughna Singh assaulted the husband
of the informant with spear and this petitioner assaulted the son
of the informant Guddu Kumar Singh with spear. The husband
of the informant died on account of assault. The son of the



informant Guddu Kumar Singh became seriously injured. He was taken to P.H.C. Parsa Government Hospital from where he was referred to P.M.C.H. Patna for better treatment.

Learned counsel for the petitioner submits that there is no injury report of the injured in the case diary. It is further submitted that petitioner on the relevant date was on duty in some private firm in Rajasthan. This Court is of the view that point of alibi can be considered during the trial.

Learned APP for the State pointed out the statement of the injured Guddu Kumar Singh in para 12 of the case diary wherein he has specifically stated that this petitioner gave spear blow to him causing injury. He was referred to P.M.C.H. for better treatment. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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