

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24674 of 2019

Arising Out of PS. Case No.-105 Year-2018 Thana- KINJAR District- Jehanabad

-
1. Suresh Singh, Aged about 52 years, Male, Son of Late Moti Singh, Resident of Village-Mirjapur, P.S-Kinjar, District-Arwal.
 2. Jai Prakash Narayan @ Guddu, Aged about 32 years, Male, Son of Suresh Singh, Resident of Village-Mirjapur, P.S-Kinjar, District-Arwal.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Prasad Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-09-2019 Heard both sides.

The petitioners apprehend their arrest in Kinjer P.S.
Case No.105 of 2018, registered under Sections 341, 323, 504,
325, 307, 353 and 34 of the Indian Penal Code.

The informant alleged that he is working as a non-teaching staff in Mundrika Singh Yadav College and went to college. The informant came to know that the construction work of the college was stopped by the petitioners Suresh Singh and his son, Jai Prakash Narayan @ Guddu. The informant requested the petitioner no.1, Suresh Singh not to disturb the construction work, on such, Jai Prakash Narayan @ Guddu assaulted him with lathi aiming his head but the informant



warded off the blow on his hand. The hand of the informant was fractured.

Learned counsel for the petitioners submits that during the course of investigation the Investigating Officer took the statements of other staffs and the villagers. It is submitted that in para 12, 13, 14 and other paragraphs, the witnesses have supported that no occurrence as alleged by the informant has taken place in the college. Some altercation took place between the informant and Jai Prakash Narayan and during that scuffle the informant fell down on dung and got injury in his hand but it appears that the informant, Sakaldeo Singh and Awadhesh Prasad have stated in their statements that it was the petitioner no.2 who assaulted the informant with lathi causing fracture injury on his hand. The Investigating Officer instead of collecting the statements started taking statements of such witnesses who were in support of the accused. It appears that there is specific allegation against the petitioner no.2 that he assaulted the informant with lathi causing fracture injury on his hand.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner no.2, namely, Jai Prakash Narayan @ Guddu on anticipatory bail. Accordingly, the prayer



for anticipatory bail of the petitioner no.2, namely, Jai Prakash Narayan @ Guddu is rejected.

So far as the case of petitioner no.1, namely, Suresh Singh is concerned, there is no allegation of assault against the petitioner no.1 and the only material against the petitioner no.1 is that the informant requested him not to stop construction work but the petitioner no.1, Suresh Singh did not retort.

Considering the facts aforesaid, let petitioner no.1, namely, Suresh Singh in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Arwal in connection with Kinjer P.S. Case No.105 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

