

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49962 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- SINGHESHWAR District- Madhepura

MAHESH DAS, Aged about 35 years, Male, Son of Suresh Das, Resident of Village Sattugali, Ward No.02, P.S Singheshwar, District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-08-2019 Heard both sides.

Petitioner apprehends his arrest in Singheshwar P.S. Case No.67 of 2019, registered under Sections 323, 324, 341, 379, 307, 504, 506 and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act.

The informant disclosed that while he was taking tea in the shop of Umesh Mahto, Ram Kumar, Pritam Yadav, Suraj Das and Mahesh Das, the petitioner, came and indiscriminately assaulted the informant with different weapons. Other persons sitting in the shop saved the informant from further assault. The informant further alleged that while he was drafting a petition along with his friends Bikki Kumar Sah and Monu Kumar Mandal in the same shop, all the four accused persons came on motorcycle and Raj Kumar made indiscriminate firing. The



informant saved himself but Monu Kumar Mandal received fire arm injury in his neck. Bikki was also assaulted by the accused persons.

Learned counsel for the petitioner submits that the occurrence happened in two parts. Firstly, the petitioner and others are alleged to have assaulted the informant with different weapons and again after sometime all the four accused persons came and only Ram Kumar is said to have made indiscriminate firing causing injury to Monu Kumar Mandal in his neck. It is submitted that the petitioner is brother of Suraj Das and that is why he has falsely been implicated in the case. Suraj Das has got criminal antecedents but it appears from the allegation made in the FIR that without any rhyme or reason, the petitioner along with his brother and others firstly assaulted the informant while he was taking tea but when the informant was saved by others, again the petitioner and others returned after sometime and Ram Kumar made indiscriminate firing in which Monu Kumar Mandal got fire arm injury in his neck. From perusal of the order of the learned Sessions Judge, it appears that the informant got as many as four injuries, the opinion of which was kept reserved. Monu Kumar Mandal also got one fire arm injury.



Taking into consideration the facts aforesaid and the fact that it appears on the face that the petitioner and other accused persons in order to establish their supremacy assaulted the informant without any rhyme or reason, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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