

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56653 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

KAMAL KUMAR @ CHHOTU @ CHOTU S/O Son of Late Arun Singh @
Arun Kumar Sinha R/O Vill- Hakam, P.S.- Mohammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Piyush Kant Singh
For the State	:	Mr. Shantanu Kumar
for the Informant	:	M/s Shakti Suman Kumar & Atul Shanker

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-09-2019 Heard the learned counsel for the petitioner, the
learned APP and the learned counsel for the informant.

The petitioner apprehends his arrest in Mohammadpur
P.S. case No. 105/2019 registered under Section 341, 323, 307,
324, 504/34 of the IPC.

The informant named four persons and alleged that
Manish Rishi gave repeated blow with knife on different parts
of his body causing injury on his right hand, left hand and neck.
The petitioner, Kamal Kumar @ Chotu is alleged to have
assaulted Subham Kumar @ Bholu with knife. Abhijit Kumar
Singh and Abhishek Kumar are alleged to have assaulted the
informant and his nephew, Subham Kumar @ Bholu.

The learned counsel for the petitioner submits that



Abhijeet Kumar Singh has already been granted anticipatory bail vide order passed in Cr. Misc. No. 50541 of 2019 and Abhishek Kumar Singh has also been granted anticipatory bail vide order passed in Cr. Misc. No. 56608 of 2019 and the case of petitioner stands on same footing.

The learned counsel for the informant submits that case of the petitioner stands on quite different footing as petitioner is alleged to have assaulted Subham Kumar @ Bholu with knife causing one incised wound on his forearm. It is further submitted that Manish Rishi was granted regular bail. Abhijeet Kumar Singh and Abhishek Kumar did not give knife blow either on the informant or his nephew, although they were alleged to have assaulted but no corresponding injury was found.

It appears that while the informant and his nephew were returning all the four accused persons including the petitioner intercepted them and Manish Rishi gave repeated knife blow on different parts of the body of informant and petitioner is alleged to have inflicted knife blow on Subham Kumar @ Bholu and one incised wound, although simple in nature, was found on the body of Subham Kumar.

Since there is allegation against the petitioner that he



inflicted knife blow on the nephew of informant without any rhyme and reason and with whom there was no enmity and case of petitioner stands on different footing as that of Abhijeet Kumar Singh and Abhishek Kumar, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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