

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15303 of 2020

Arising Out of PS. Case No.-207 Year-2019 Thana- RAJPUR District- Buxar

NAVIN KUMAR @ NAVIN SRIVASTVA @ CHOTU, aged about 25 years,
Gender (Male), S/o Brijnandan Lal, Resident of Village- Rajpur, P.S.- Rajpur,
Distt- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Sinha, Advocate.
For the Opposite Party : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

A supplementary affidavit has been filed on behalf of
the petitioner. The same may be kept on the record.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 149, 341, 323, 324, 307
and 504 of the I.P.C.

The prosecution story, in brief, is that on 10.09.2019
at about 10.00 A.M., the informant saw that a hot discussion



was going on in between Krishna Bihari Lal and Brijnandan Lal for digging foundation. In the meantime, accused persons Brijnandan Lal, Dayashankar Lal, Shambhu Srivastava and Navin Srivastava @ Chhotu, (petitioner), Shakti Kumar, Rohit Kumar, Golu Kumar and the wife of Brijnandan Lal having sword and Tangi in their hands came and Brijnandan Lal assaulted with sword on the head of Krishna Bihari Lal causing head injury. When the informant came to rescue, co-accused Shambhu Srivastava assaulted with sword on the head and left hand of the informant, as a result of which, he sustained injuries. When Piyush Kumar Pankaj and Nikhil Kumar came to rescue, co-accused Brijnandan Lal assaulted on the head of Piyush Kumar and co-accused Shakti Srivastava assaulted on the back of Piyush Kumar. Shakti Srivastava and Shambhu Srivastava also assaulted to Nikhil Kumar. Co-accused Dayashankar Srivastava assaulted with sword on the head of Bindeshwari Prasad Srivastava who is the uncle of the informant. Co-accused Shambhu Srivastava also assaulted to his uncle on the *Chest* and *Pakhura*. Co-accused Shambhu Srivastava also assaulted with sword on the right thumb and arm to Prince Kumar who is nephew (*Bhatiza*) of the informant. The injured were admitted in hospital for treatment.



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. No specific overt act is alleged against the petitioner. General and omnibus allegation has been made against the petitioner. The specific allegation is against other co-accused.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Buxar, in connection with Buxar P.S. Case No. 207 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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