

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15467 of 2020

Arising Out of PS. Case No.-262 Year-2019 Thana- BATHNAHA District- Sitamarhi

AJAY SINGH S/o Late Shivdayal Singh Resident of Village- Kishanpur, P.S.-
Bathnaha, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur
For the State	:	Mr. Jai Narain Thakur
For the Informant	:	Birendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2020 Heard both sides.

The petitioner apprehends his arrest in Bathnaha P.S.
case No. 262/2019 registered under Section 341, 324, 307, 379,
504/34 of the IPC.

The matter has been taken up through video
conferencing.

The informant alleged that when he demanded his
money from the petitioner, the petitioner abused him and
inflicted Dabia blow on his head. Suresh Singh assaulted the
informant with iron rod which hit on his nose. Satya Narain
Singh also assaulted the informant with iron rod which hit on
his temple. The informant became unconscious.

The learned counsel for the petitioner submits that the



occurrence took place on 10.12.2019 but the informant gave his fard bayan on 17.12.2019 before the ASI of town PS Sitamarhi on the basis of which Bathnaha PS case No. 262/2019 was registered on 26.12.2019. When the occurrence took place on 10.12.2019 there is no explanation of giving fard bayan after seven days of the occurrence and if the informant became unconscious his family members would have lodged the case. It is further submitted that the informant was examined on 10.12.2019 at 8 AM by the doctor of PHC, Bathnaha whereas the occurrence took place at 7 in the evening, therefore, the petitioner deserves anticipatory bail.

The learned APP and the learned counsel for the informant opposed the prayer for anticipatory bail and submitted that informant himself stated in the FIR itself that he, after having been assaulted, became unconscious and, therefore, he could not record his statement before the police of Bathnaha and he was brought to the hospital for treatment. The doctor examined him on 10.12.2019 but it appears that time of examination is wrongly mentioned and the same is a slip of pen. There is specific allegation against the petitioner that he assaulted the informant with Dabia on his head. One injury on scalp of the informant caused by sharp cutting weapon was



found. Injury No.3 is found to be grievous in nature. Injury No. 1 and 2 are also dangerous to life.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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