

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25355 of 2020

Arising Out of PS Case No.-125 Year-2019 Thana- JAMALPUR District- Darbhanga

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Pramod Jha @ Pramod Prasad Jha, Male, aged about 57 years, Son of Late Ramnandan Jha @ Ramanand Jha @ Bhuwan Jha, Resident of Village-Hasopur, P.S.-Jamalpur (Bargaon OP), District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Nishant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Baidya Nath Thakur, learned counsel for the petitioner; Mr. Shyam Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Nishant Sinha, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Jamalpur (Bargaon OP) PS Case No. 125 of 2019 dated



26.11.2019, instituted under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of assaulting the informant and his relatives and specifically against the petitioner of having given a blow by the butt of his gun on the head of the informant resulting in grievous injury.

5. Learned counsel for the petitioner submitted that the parties are agnates and in the present case, the uncle of the petitioner has filed Jamalpur (Bargaon OP) Case No. 124 of 2019 on 20.11.2019 itself for same incident whereas the present FIR has been lodged after a delay of 6 days on 26.11.2019. It was submitted that the injuries on the persons of the victims of the FIR filed by the uncle of the petitioner has not been explained in the present case. Learned counsel submitted that the so-called land with regard to which there is dispute, is actually Government land and the informant and his family members were encroaching upon the same due to which the petitioner had filed an application before the Competent Authority leading to institution of anti-encroachment proceeding against the informant and his relatives. Learned counsel submitted that the petitioner being an ex-army man is a responsible person and the incident never happened. It was submitted that after lodging of the present case, another case



has been instituted against the petitioner. Learned counsel submitted that there are injuries on the persons of the victims of the FIR filed by the uncle of the petitioner against the informant of the present case and his other family members.

6. Learned APP submitted that there is direct and specific allegation of blow on the head by the petitioner on the informant which is corroborated by the injury report.

7. Learned counsel for the informant submitted that there is no delay in lodging of the FIR as within one and a half hours of the incident, the informant was examined by the Government doctor of PHC, Biraul and three injuries were found and there was nasal bleeding for which was referred to DMCH for CT Scan and there was fracture on the right side of forehead which has been found to be grievous, caused by hard and blunt substance, which clearly corroborates the specific allegation against the petitioner in the FIR. It was submitted that thereafter the informant was referred to DMCH and in the DMCH itself, the informant had given his written statement on 21.11.2019 and, thus, there is no inexplicable delay or laches on the part of the informant in lodging of the present case.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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