

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24172 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- SINGHIYA District- Samastipur

Chand Kishore @ Chand Kishore Chandan, aged about 23 years, Male, S/o
Sri Kundan Sahu, Resident of Village and P.S.- Singhya, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate
For the State : Mr.Shailendra Kumar No.2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Singhya P.S. Case No. 175 of 2019 registered for the offences punishable under Sections 307, 323, 324, 325/34 and 341 of the Indian Penal Code.

According to the F.I.R., all the accused persons including the petitioner in intoxicated mood surrounded the son of informant and co-accused Kanhaiya Kumar assaulted with sword on head causing injury on his head together with accused Md. Saddam repeatedly assaulted on the neck and body of son of informant. It is further alleged that when son of informant tried to flee away then accused/petitioner armed with hockey stick and two others armed with iron rod and country made pistol brutally assaulted the son of informant, when informant



reached there and saw that all the accused persons were assaulting with khukhari, sword, iron rod, pistol, hockey stick and lathi and accused Md. Saddam assaulted with leg on the face of the son of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner further submits that the real fact is that quarrel took place between Md. Afroz, Saddam and Rohulla at about 8.00 P.M. at the first place of occurrence due to teasing of lover of Md. Afroz and then Md. Afroz called his friend namely Vikash Kumar but this place of occurrence has not been mentioned in the F.I.R. Learned counsel for the petitioner further submits that at 9.30 A.M., Vikash Kumar along with others came and entered into the house of Sanjeev Kumar Sah, husband of Mukhia at function place of birth day party of son of Mukhiapati and they started fight with Saddam and Rohulla and accused/petitioner and others came there to pacify the matter due to which accused/petitioner has been implicated in this case. Learned counsel for the petitioner further submits that occurrence took place on 03.11.2019 and F.I.R. was lodged on 19.1.2019 after delay of 16 days. There is no explanation regarding the delay of



filing of the present case. He further submits that the injury report shows that the injury no.1 is grievous and injury no.2 opinion reserve till DMCH Report is available and injury no.3 is simple. He further submits that there is no specific overt act against the petitioner. There is general and omnibus allegation against the petitioner.

I have perused the record. The injuries are grievous.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner in connection with Singhya P.S. Case No.175 of 2019 pending in the court of learned ACJM V, Rosera, Samastipur is hereby rejected. However, the petitioner is directed to surrender before the court below and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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