

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78780 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- MALAYAPUR District- Jamui

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Suraj Kumar, aged about 24 years, Male, son of Suresh Mali, resident of
Village Malayapur Mali Tola, P.S. Malayapur, District Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-09-2020

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

2. Heard Mr. Niranjan Parihar, learned counsel for the
petitioner and Mr. Sanjay Kumar Tiwary, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner apprehends arrest in connection with
Malayapur PS Case No. 54 of 2019 dated 23.06.2019, instituted
under Sections 147/341/323/325/307/379/504/507 of the Indian
Penal Code.

4. The allegation against the petitioner and others is of
brutal assault on the informant and his other family members



leading to grievous injuries.

5. Learned counsel for the petitioner submitted that the parties are agnates. It was further submitted that there was some dispute with regard to flow of water/construction of window which led to skirmish between the two sides in which both sides have assaulted each other and there are injuries on both sides. Learned counsel submitted that a co-accused in the present case has filed Malayapur PS Case No. 56 of 2019 dated 27.06.2019 under Sections 147/341/323/307/504 of the Indian Penal Code against the informant and others of the present case. It was submitted that the informant of the said counter case has also received grievous injury on the head. Learned counsel submitted that one of the accused in Malayapur PS Case No. 56 of 2019, namely Rahul Kumar, has been granted bail by a coordinate bench on 17.01.2020 in Cr. Misc. No. 72463 of 2019. It was submitted that the allegations are general and omnibus in nature without any specific overt act attributed to the petitioner and it has not been stated that as to who was hit by his blow. Learned counsel submitted that the petitioner has no other criminal antecedent.

6. Learned APP, from the case diary, submitted that four persons from the informant's side have received grievous



injuries, including a lady. It was submitted that in the counter case, which relates to the same incident, only one person had received injury and the accused of that case, Rahul Kumar himself had received two grievous injuries. It was further submitted that the counter case has been filed after four days at 8.30 PM, for which there is no explanation, whereas the present case was filed on the date of the incident, within two hours.

7. 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.

8. Accordingly, the application stands dismissed.

9. However, if the petitioner surrenders before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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