

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68851 of 2019

Arising Out of PS. Case No.-171 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Surendra Singh, Son of Late Bachcha Singh, Resident of Village - Sakra,
Police Station- G.B. Nagar, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with G.B. Nagar P.S. Case No.171 of 2019 registered for the offence punishable under Sections 323, 324, 325, 379, 504 and 506 read with 34 of the Indian Penal Code.

It is contended by the learned counsel for the petitioner that the informant is a co-villager. There is political rivalry between them due to which the petitioner has been implicated in the present case. The offence of committing theft is ornamental in nature. So far as the allegation of causing injury by means of *Chhura* in the abdomen is concerned, the same is also concocted. As a matter of fact, the informant had sustained some injury in a different manner and finding it opportune he implicated the petitioner in the present case. The doctor, who



examined the informant finding an incised wound measuring an injury 1" x 1/4" skin deep. He contended that though the doctor has kept the opinion reserved, the injury report itself suggest that the same is simple in nature. He contended that the offence alleged, at best, would fall under Section 325 of the Indian Penal Code and not under Section 324 of the Indian Penal Code. The offence under Section 325 of the Indian Penal Code is bailable in nature.

Per contra, learned counsel appearing for the State has opposed the application for grant of pre-arrest bail to the petitioner. He contended that there is specific allegation against the petitioner that he inflicted a *Chhura* blow in the abdomen of the informant causing injury, which is corroborated by the medical evidence.

Regard being had to the facts and circumstances of the case, the prayer for grant of pre-arrest bail is rejected.

In the event the petitioner surrenders and seeks bail, the same shall be considered on merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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