

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79046 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- PANDARAK District- Patna

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Bittu Kumar, aged about 20 years (Male), son of Late Shashibhushan Kumar
@ Shashibhushan Ram, resident of Village-Lemuabad, Pandarak, P.S.
Pandarak, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Kashyap, Advocate
For the State	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Amit Kumar Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-09-2020

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

2. Heard Mr. Ashok Kumar Kashyap, learned counsel for the petitioner; Mr. Yogendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Amit Kumar Anand, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Pandarak PS Case No. 72 of 2019 dated 24.06.2019, instituted under Sections 341/323/324/504/506/307/379/511/34 of the Indian Penal Code.



4. The allegation against the petitioner and two unknown is of assault on the informant and also snatching of Rs. 30,000/-.

5. Learned counsel for the petitioner submitted that there is previous enmity due to which the present false case has been filed. It was submitted that the allegation of assault is general and omnibus in nature. Learned counsel submitted that out of four injuries, three are simple in nature and one on the hand is grievous.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story and due to past enmity, the incident occurred. It was further submitted that the hand of the informant was fractured and the injury has been found grievous in nature.

7. Learned counsel for the informant submitted that it was the petitioner who was the main assailant and the attack was also because of enmity of the informant with the petitioner and the assault was with the intention to kill, but because other persons had arrived, the assailants had run away and one injury has been found to be grievous as the hand of the informant was fractured and also that Rs. 30,000/- was snatched from the informant.



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)

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