

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85297 of 2019

Arising Out of PS. Case No.-305 Year-2019 Thana- GARKHA District- Saran

1. Vishwajit Kumar Singh @ Vishwajit Kumar, aged about 21 years, Male, Son of Anil Kumar Singh, Resident of Village - Pithaghat, P.S.- Garkha, District - Saran.
2. Anuj Kumar Singh, aged about 32 years, Male, Son of Late Birdev Singh, Resident of Village - Vishambharpur, P.S.- Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Anish Akhtar, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 09-09-2020 Heard Mr. Anish Akhtar, learned counsel for the petitioners and Mr. Narendra Kumar Singh, learned Additional P.P. through video conferencing.

The petitioners apprehend their arrest in Garkha P.S. Case No.305 of 2019, registered under Sections 341, 342, 323, 307, 379, 504 and 34 of the Indian Penal Code.

The informant alleged that while he along with his brother, Jitendra Kumar Rai was going on a motorcycle and when they reached near Salha-Kudarbadha, 5-6 persons came running on the road. One person came in front of the motorcycle and accident took place. The informant and his brother also fell down from the motorcycle. Jitendra Kumar Rai fled away but many persons assembled there, caught the informant and tied him with rope in a



pole. The accused persons including the petitioners assaulted the informant but in the meantime, the police came and saved the life of the informant. The informant was referred to hospital where he made his statement on 16.05.2019.

Mr. Anis Akhtar, learned counsel for the petitioners submits that Garkha P.S. Case No.257 of 2019 was registered under Section304(A) and other sections of the Indian Penal Code on the fardbeyan of Nilam Devi, the mother of the deceased, Sachin Kumar Singh against the motorcyclist, namely, Sonu Kumar. It is further submitted that on account of rash and negligent driving of the informant, Sonu Kumar, the accident took place in which Sachin Kumar Singh died. The informant also got injuries in the accident. The petitioner no.1, Vishwajit Kumar Singh @ Vishwajit Kumar also sustained injuries. Nobody assaulted the informant after the accident but the informant filed this case merely to save his skin.

The learned Additional P.P. opposed the prayer for bail.

Perused the case diary. It is true that the motorcyclist, Sonu Kumar is the informant of the present case. Sonu Kumar disclosed in his statement that he met with an accident in which one person badly injured. He was also thrown away from the motorcycle along with his brother but thereafter many persons came and tied him with rope in a pole and they began to assault



him. In the meantime, the police came and save the informant. During the course of investigation, the witnesses have also reiterated the fact that the motorcyclist after accident was tied with rope in a pole and he was assaulted by the petitioners and others.

Of course, one person died in an accident allegedly due to rash and negligent driving of the informant but since there is specific allegation that the petitioners brutally assaulted the motorcyclist, the informant, after tying him with rope in a pole and the police saved the life of the informant, I am not inclined to enlarge the petitioners on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of the petitioners on its own merit and dispose of the regular bail of the petitioners taking into consideration that on account of accident, the occurrence took place.

(Prabhat Kumar Jha, J)

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