

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4001 of 2020

Arising Out of PS. Case No.-438 Year-2018 Thana- MAJORGANJ District- Sitamarhi

Arjun Singh (Male), aged about 35 years, S/o Ramjapan Singh @ Ramjatan Singh R/o Village- Ratanpur, P.S.- Majorganj, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Advocate

For the State : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-06-2020

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

2. Heard Mr. Ambuj Nayan Chaubey, learned counsel for the petitioner and Mr. Amitesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP'), for the State.

3. The petitioner is in custody in connection with Majorganj PS Case No. 438 of 2018 dated 06.11.2018 instituted under Sections 341/323/324/307/379/34 of the Indian Penal Code.

4. The allegation against the petitioner and three other named and three unknown persons is of assaulting the informant and snatching of his gold chain and cash and specifically against the petitioner of inflicting knife blow on the informant.

5. Learned counsel for the petitioner submitted that though the incident is said to have taken place on 03.11.2018 at



8:30 pm but the informant, who claims to be injured, has recorded his *fardbeyan* before the Sub Inspector of Police on 04.11.2018 at 7:50 pm. Learned counsel submitted that perusal of the formal FIR would disclose that the same has been registered on 06.11.2018, for which there is no explanation. Learned counsel submitted that the distance of the police station from the place of occurrence is 7 kms. It was further submitted that co-accused Ranjan Ram @ Rajiv Ranjan Ram, against whom also there is allegation of assault by knife, has been granted bail by order dated 13.08.2019 in Cr. Misc. No. 36986 of 2019. Learned counsel submitted that other two named co-accused, namely Mithu Singh by order dated 12.04.2019 in Cr. Misc. No. 23630 of 2019 and Rameshwar Ram by order dated 25.06.2019 in Cr. Misc. No. 38748 of 2019, have also been granted bail. Learned counsel submitted that the petitioner was also victim of murderous attack by the family members of the informant of the present case, on 09.02.2019, for which also a criminal case has been instituted. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 15.10.2019.

6. Learned APP, from the case diary, submitted that against the petitioner there is specific allegation of repeated



assault by knife on vital parts, i.e., face and neck and the same is corroborated in the injury report. It was further submitted that Ranjan Ram @ Rajiv Ranjan Ram, though is said to have also assaulted by knife, but the same was not on the vital part and furthermore, he was in custody for a longer period. Learned counsel submitted that there is no discrepancy with regard to the date and timing relating to the *fardbeyan* and the FIR, for the reason that at 8:30 pm on 03.11.2018 the informant was assaulted and seriously injured and that is why on the next day in the hospital his *fardbeyan* was recorded by the Sub Inspector of Police, i.e., 04.11.2018, and if the police have taken time to institute a formal FIR, which was done on 06.11.2018, the prosecution story cannot be said to be false and the case cannot suffer on this ground, as it is a non-issue.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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