

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20047 of 2020**

Arising Out of PS. Case No.-62 Year-2019 Thana- MIRGANJ District- Gopalganj

Banwari Sahni (Male), aged about 60 years, son of Bhadai Sahni, resident of  
Badar Jimi, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate  
For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 07-04-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Binay Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Mirganj PS Case No. 62 of 2019 dated 09.03.2019, instituted under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

4. The allegation against the petitioner is specifically of causing injury to the daughter of the informant on the head by *garansa*.

5. Learned counsel for the petitioner submitted that the petitioner is a poor man and there was land dispute between



the parties and he is in custody since 24.12.2019. It was submitted that the petitioner has been falsely implicated and has no criminal antecedent. Learned counsel submitted that only charges have been framed in the case. It was further submitted that the allegation is of attack by *garansa*, but the injury report discloses that injury was caused by hard and blunt substance.

6. Learned APP submitted that earlier the Court had called for the injury report, which has been received and discloses wound of 3"x1/4"x bone deep on the right frontal region, which is vital part of the body and the specific allegation of causing such injury is against the petitioner. Learned APP further drew the attention of the Court to Annexure-1, which is a common order in the case of the petitioner and seven others dated 16.11.2019 in Cr. Misc. No. 43015 of 2019 by which anticipatory bail of the petitioner was rejected and the Court had noted that the injury caused on the daughter of the informant was bone deep on the head and, thus, prayer for anticipatory bail was rejected. Learned counsel submitted that the plea of the injury report stating the use of hard and blunt substance is not contradicted by the allegation of blow of *garansa* for the reason that even the said weapon *garansa* has two sides; one is sharp and one is blunt. Thus, it is very much possible that blow was



made by the blunt side, but the injury is on the frontal region and bone deep, which is very serious and it was only the good fortune of the victim that she was saved. Further, it was contended that mere use of such weapon for attack clearly indicates that the intention of the petitioner was to cause serious injury to the victim.

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.

9. However, the Court below is directed to expedite the trial and conclude it preferably within one year.

**(Ahsanuddin Amanullah, J)**

J. Alam/-

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