

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31509 of 2020**

Arising Out of PS. Case No.-45 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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AMKU MISTRI @ AMKU VISHWAKARMA Son of Late Ramji Mistri
Resident of Village - Bajrahi, P.S.- Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar
For the Opposite Party/s : APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 20-01-2021 Heard both sides.

The petitioner seeks bail in Magadh Medical P.S. Case No.45 of 2020 registered under Sections 341, 323, 324 and 308 of the Indian Penal Code.

The informant alleged that he went to the shop of one Sanjeev Vishwakarma to purchase biscuit. The wife of shopkeeper was present and she said that Sanjeev was coming who would give the biscuit but in the meantime, the petitioner came there and said that petitioner would kill the informant. When the informant wanted to know the reason, the petitioner is said to have disclosed that the mother of the informant practiced witchcraft resulting the death of the son of the petitioner and immediately thereafter, the petitioner took out scissors and



repeatedly stabbed the informant on different parts of his body.

The learned counsel for the petitioner submits that petitioner is innocent and in fact he has committed no offence. Petitioner is in custody since 12.03.2020 but on perusal of the injury report, it appears that informant got as many as six injuries caused by sharp edge weapon in different parts of the body of the informant. The injuries are opined to be grievous in nature. There was haemorrhagic contusion on the head.

Taking into consideration the facts that there is specific allegation that the petitioner repeatedly stabbed the informant and caused injuries on all vital parts of his body which are grievous in nature, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected.

The petitioner, if so advised, may renew his prayer for bail after remaining one year and four months in custody.

Before parting with this order, I find that the investigating officer submitted chargesheet under Sections 341, 323, 324 and 308 of the Indian Penal Code and this fact itself shows that the investigating officer does not know how to investigate the case. He obtained the injury report. As many as six injuries were found on different parts of the body of the informant but the investigating officer submitted chargesheet



under Section 308 of the Indian Penal Code instead of Section 307 of the Indian Penal Code.

Let a copy of this order be sent to Sr.S.P., Gaya for information and needful so that such unscrupulous police officer should not be given any charge of investigation in future and also take appropriate action against such police officer.

(Prabhat Kumar Jha, J)

Saurabh/-

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