

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32915 of 2020**

Arising Out of PS. Case No.-160 Year-2020 Thana- MURLIGANJ District- Madhepura

Sajjan Kumar @ Sajjan Sah, aged about 21 years (M), Son of Harish Chandra Sah @ Haris Chandra Sah, Resident of Village Sahebganj, Itahri, (Panchayat-Dighi), Ward no.9, P.S. Murliganj, District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                    |   |                                                                     |
|--------------------|---|---------------------------------------------------------------------|
| For the Petitioner | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Mr. Pawan Kumar, Advocate |
| For the State      | : | Mr. APP                                                             |
| For the Informant  | : | Mr. Uday Chand Prasad, Advocate                                     |

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

3      12-04-2021                      Heard Mr. Krishna Prasad Singh, the learned Senior Counsel for the petitioner, the learned Additional P.P. and Mr. Uday Chand Prasad, the learned counsel appearing on behalf of the informant through video conferencing.

Petitioner, Sajjan Kumar @ Sajjan Sah apprehends his arrest in Murliganj P.S. Case No.160 of 2020, registered under Sections 147, 148, 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that Sajjan Sah, the petitioner along with Santosh Kumar, Sunil Kumar, Harish Chandra Sah, Anant Sah, Harak Chandra Sah, Jay Prakash Sah, Paras Sah, Prabha Devi and Putul Kumari having armed with different



weapons came to the door of the informant. Sajjan Kumar assaulted the informant with a sharp edged weapon on his head. The informant got blood oozing injury on his head. When the informant fell down, Santosh Kumar and Sunil Kumar are alleged to have assaulted him with iron rod on his head and other parts of the body and also threatened to kill him. Harish Chandra Sah, Anant Sah and Harak Chandra Sah assaulted the father of the informant. Jai Prakash Sah and Paras Sah also assaulted Raja Raman, the brother of the informant with fists and slaps and snatched Rs.3000/- from his pocket. Paras Sah threatened the father of the informant to kill.

Mr. Krishna Prasad Singh, the learned Senior Counsel for the petitioner submits that the petitioner is alleged to have assaulted the informant with sharp edged weapon. Santosh Kumar and Sunil Kumar are also alleged to have assaulted the informant with iron rod on his head and other parts of his body. From perusal of the injury report of Ashutosh Kumar, the informant, it would appear that the informant got one injury which is said to have been caused by hard and blunt object. Of course the injury is simple in nature, but Sunil Kumar and Santosh Kumar are alleged to have assaulted the informant with iron rod. The petitioner is said to have assaulted the informant



with sharp edged weapon, but no injury caused by sharp edged weapon was found on the person of the informant. It is further submitted that earlier the petitioner was also made accused in Murliganj P.S. Case No.74 of 2019, but the police after investigation did not send up the petitioner for trial.

The learned Additional P.P. as well Mr. Uday Chand Prasad, the learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submit that it was the petitioner who firstly assaulted the informant with sharp edged weapon and the informant very categorically stated that on account of assault made by the petitioner, he got blood oozing injury on his head and fell down on the ground. Thereafter Santosh Kumar and Sunil Kumar are alleged to have assaulted the informant with iron rod but no other injury on head or any part of the body of the informant is found. There is specific allegation that it was the petitioner who caused injury on the head of the informant and other injury is standing from right parietal bone to right side of frontal bone. CT Scan of the injury shows the fracture of frontal bone, therefore, the petitioner does not deserve anticipatory bail.

Perused the records. It appears that the informant alleged that the petitioner firstly assaulted him with sharp edged



weapon on his head and blood oozing injury was caused to him. Thereafter the informant alleged that Sunil Kumar and Santosh Kumar assaulted him with iron rod but no corresponding injury on account of assault made by Sunil Kumar and Santosh Kumar is found on the body of the informant. The informant specifically alleged that on account of assault made by the petitioner, he got injury on his head and the same is opined to be grievous in nature.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

**(Prabhat Kumar Jha, J)**

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