

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33006 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- MASHRAK District- Saran

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Niraj Kumar Singh, Gender-Male, Aged about 28 years, S/O Dudhnath Singh,
R/O Village - Harpur Jan, PS - Mashrak, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the State : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Jeetendra Narayan, learned counsel for the petitioner; Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Tej Pratap Singh, learned counsel for the informant.

2. The petitioner is in custody in connection with Masrak PS Case No. 17 of 2020 dated 06.01.2020, instituted under Sections 147/148/341/323/354B/379/307/504/506 of the Indian Penal Code.



3. The allegation against the petitioner and others is of general assault but specifically against the petitioner of inflicting blow on the head by *farsa* on the informant.

4. Learned counsel for the petitioner submitted that the parties are agnates and there was dispute relating to fishing resulting in the incident. It was submitted that the injury report discloses that there was hairline fracture on the skull and, thus, there was no motive to kill. Learned counsel submitted that the petitioner is in custody since 15.07.2020.

5. Learned APP submitted that the attack on the head by a dangerous weapon is specifically against the petitioner and the injury report corroborates the same.

6. Learned counsel for the informant submitted that the attack was to kill as a big wound on the head was found and the Court below has directed the doctor to submit an explanation as to how in the face of such serious injury a diluted report has been submitted. It was submitted that the photograph of the injury, which was also shown to the Court, indicates that there is deep wound right across the skull on a large area in a semicircular form, which according to learned counsel, clearly indicates that the intention was to kill and somehow the victim survived.



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, for the present.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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