

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33938 of 2020

Arising Out of PS. Case No.-508 Year-2019 Thana- MANER District- Patna

Jyoti Kumar @ Avinash (Male) aged about 21 years, Son of Anil Kumar Singh Resident of Village-Sherpur, Police Station-Maner, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the State : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Md. Helal Ahmad, learned counsel for the petitioner and Ms. Suman Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Maner PS Case No. 508 of 2019 dated 15.10.2019, instituted under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioner and others is of assault on the informant leading to injury and specifically against the petitioner that he gave iron rod blow on the head of the informant.



5. Learned counsel for the petitioner submitted that he has filed supplementary affidavit in view of there being typographical error with regard to the sections in the other case i.e., Maner PS Case No. 311 of 2016, which has been lodged against him. It was submitted that instead of Section 141 which has wrongly been typed in paragraph no 3, the same should have been Section 341. Thus, prayer was made that the Section should be read as 341 instead of 141. Prayer allowed.

6. It was submitted by him that the petitioner has been falsely implicated due to village politics. Learned counsel submitted that nothing major happened and only some skirmish may have taken place and for the same also, co-accused Sunil Kumar has lodged Maner PS Case No. 503 of 2019 on 12.10.2019, whereas the present case has been lodged on 15.10.2019, after much delay. Learned counsel submitted that the injury report of the informant also is from a private hospital and though it shows head injury which is grievous, but neither details of the injury nor any supporting document like x-ray etc. have been mentioned. Learned counsel submitted that even the date is 14.10.2019 in the accident register. It was submitted that co-accused Anil Kumar Singh @ Anil Ray, Sunny Kumar @ Sunny Rai and Raju Kumar have been granted anticipatory bail by a co-



ordinate Bench in Cr. Misc. No. 25698 of 2020 by order dated 14.10.2020.

7. Learned APP, from the case diary, submitted that the injury report was also called for and it shows that the informant had been given treatment. It was further submitted that the injury report itself discloses that the date of entry of the informant was 08.10.2019, which is the date of the incident. Learned counsel submitted that the statement of the informant was recorded by the police on 09.10.2019 itself as has also been endorsed by the police officer concerned and it may have taken some time to reach the police station concerned and, thus, if there is any delay, it was due to the police in forwarding the statement of the informant to the concerned police station; whereas, in the case of the accused, the statement itself was given on 12.10.2019, i.e., after four days of the incident. Thus, it was submitted that the second FIR by the co-accused is by way of a counter blast to create a defence in the present case. Learned counsel submitted that witnesses have stated with regard to the petitioner being the person who had inflicted iron rod blow on the head of the informant and, therefore, his case cannot be said to be on similar footing to co-accused Anil Kumar Singh @ Anil Ray, Sunny Kumar @ Sunny Rai and Raju Kumar.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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