

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.241 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- MANJHAGARH District- Gopalganj

1. SANTOSH KUMAR SHRIVASTAVA @ SANTOSH LAL, Gender-Male, aged about 40 years, son of Raghunath Prasad, Resident of village- Bhojpurwa, Police Station- Majhagarh, District-Gopalganj.
2. Sanjay Kumar Shrivastava @ Sanjay Lal, Gender-Male, aged about 40 years, son of Raghunath Prasad, Resident of village- Bhojpurwa, Police Station- Majhagarh, District- Gopalganj.
3. Rakesh Kumar Shrivastava @ Putput Lal, Gender – Male, aged about 49 years, son of late Shivrath Prasad, Resident of village- Bhojpurwa, Police Station- Majhagarh, District- Gopalganj.
4. Rajesh Kumar Shrivastava @ Chutput Lal, Gender – Male, aged about 40 years, son of late Shivrath Prasad, Resident of village-Bhojpurwa, Police Station-Majhagarh, District- Gopalganj.
5. Rahul Kumar Shrivastava @ Sheru Lal, Gender – Male, aged about 24 years, son of Rakesh Kumar Shrivastava, Resident of village-Bhojpurwa, Police Station-Majhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate
	:	Ms. Reema Kumari, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 13-12-2021 Heard the learned counsel for the petitioners as well as the learned Adll. Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Majhagarh P.S. Case No. 28/2020 registered for the offence punishable under sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.



The informant, Raj Kishore Singh made allegation that his son, Shakti Singh went to take Rs. 50,000/- from the petitioner no. 3 to whom the money was advance. The petitioner no. 3 did not pay the money and after being furious, he along with his family members, namely, Santosh Lal, Sheru Lal, Sanjay Lal, Chutput Lal, Buta Lal and Sami Lal etc. badly assaulted the son of informant.

In the FIR on each petitioners, there is a specific allegation of giving different types of assaults with knife etc. on the different parts of informant's son. Petitioner no. 1 inflicted sword blow on his head. Petitioner no. 2 inflicted sword blow on his leg. Petitioner no. 3 inflicted Bhujali blow on his right hand. Petitioner no. 4 inflicted sword blow on his neck. Petitioner no. 5 Rahul Kumar Srivastava @ Sheru Lal inflicted knife blow on the elbow of the informant's son.

The Xerox copy of injury report has been annexed at page no. 9 of the record, which shows that as many as nine incised wounds were found on the person of the injured Shakti Singh of different measurements on the different parts of his body, including the head.

The learned counsel for the petitioner has submitted that the FIR was lodged after six days of the alleged occurrence



and the reason behind delayed lodging of the F.I.R is that after receipt of the injury, the false case was made with specific allegation against each accused of causing each injury.

On the other hand, learned Addl. Public Prosecutor has opposed for the prayer for bail.

There is specific allegation against the petitioner for inflicting deadly blow with knife etc. on the person of the injured and nine incised injuries were found on the person of the victim. As such, it is not a fit case for anticipatory bail.

Accordingly, the prayer for bail is hereby rejected.

(Nawneet Kumar Pandey , J)

Gaurav Kumar/-

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