

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39192 of 2020

Arising Out of PS. Case No.-108 Year-2020 Thana- SHAHKUND District- Bhagalpur

Pinkoo Singh, Son of Prakash Singh Resident of Village - Amkhoriya, P.S. -
Sahkund, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha- Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-06-2021 Heard Mr. Pravin Kumar Sinha, learned advocate
for the petitioner and Mr. Navin Kumar Pandey, learned APP for
the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Sahkund (Sajour) P. S. Case No.108 of
2020, instituted for the offence under Sections 302/ 34 of the
Indian Penal Code.

One Sunita Devi, who is the wife of the deceased,
has lodged the first information report alleging that her husband
was reported to be lying on the road unconscious and bleeding.
On such information, she went to fetch her husband and got him
admitted in a hospital. After two days of treatment, when the
deceased regained his consciousness, he is said to have told his
wife (informant) that the petitioner and four others had assaulted



him.

Learned counsel for the petitioner has submitted that for the reason of enmity, the name of the petitioner along with others has been taken by the informant and that there is no eye witness to the occurrence. He further submits that the F.I.R. has been lodged after delay of three days and, therefore, tutoring of the informant cannot be ruled out.

As opposed to the aforesaid contention, learned counsel for the State has submitted that one of the accused persons of this case has already been arrested and that the post mortem report reveals that the deceased was assaulted which led to injuries which festered and discharged pus. The cause of death was the injuries suffered by the deceased. Apart from this, it has been submitted that in the police papers, it has come to the notice of the Investigating Agency that two days prior to the occurrence, there was a scuffle between the petitioner and the deceased.

Considering the afore-noted facts, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if petitioner surrenders before the Court below and seeks bail, the application shall be considered on its



own merits, taking into account that there is no eye witness to the occurrence and that after a considerable hiatus of time, the deceased is said to have disclosed before his wife (informant) that the petitioner had also participated in the assault, and shall pass orders in accordance with law without being prejudiced with the facts that the present application on his behalf has not been entertained.

The application stands disposed off.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

