

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.426 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- EKANGARSARAI District- Nalanda

AMIT KUMAR @ DOMAN, aged about 20 years (Male), S/o Ajay Kumar @ Ajay Ram, R/o Mohalla- Islampur Road- Ekangarsrai, P.S.- Ekangarsrai, District- Nalanda.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate.
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-06-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 325, 307, 447, 504, 506 and 379/34 of the I.P.C.

The prosecution story, in brief, is that on 29.04.2020 at about 3.30 P.M., when the informant and other friends were distributing Mask and Soap on the occasion of Durga Puja and Covid-19, in the meantime, Bittu Kumar, Amit Kumar @ Doman (petitioner), Sanni Kumar came on the Motorcycles and



dashed his leg by the Motorcycle due to which, the informant received some normal injury and made protest due to which the accused persons started abusing. Thereafter, the informant and others came their house and made protest before their parents. On 30.04.2020 at about 9.00 A.M. when the informant and his neighbour Munna Kumar were standing near his house, in the meantime, Amit Kumar @ Doman (petitioner), Bittu Kumar @ Chhotka, Sanni Kumar, Sagar Kumar and Kara Kumar armed with Lathi, Danda and Iron rod came there and started abusing. Kara Kumar assaulted to Munna Kumar with Iron rod causing injury on his head, Bittu Kumar tried to strangulate by Gamachha on his neck, thereafter Amit Kumar @ Doman (petitioner) assaulted to Munna Kumar with Danda causing injury on his nose and accused Sagar Kumar and Sanni Kumar assaulted the informant with Lathi. Bittu Kumar snatched his golden chain and cash of Rs. 720/- from his pocket. Munna Kumar fell down with unconscious condition thereafter accused persons tried to take him but on hulla, neighbourer came there then they fled away.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. A single Lathi blow is said to have been caused by the petitioner. No repetition of blow has been made by the petitioner. Hence, no offence under Section 307 of the I.P.C. is made out. At best, it is a case for the offence under Section 325 of the I.P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of assault alleged against the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Ekangarsarai P.S. Case No. 119 of 2020, pending in the court of learned A.C.J.M., Hilsa, Nalanda.

If the petitioner surrenders in the learned court below and prays for regular bail, the same shall be considered by the learned court below without being prejudiced by the order of this Court preferably on the same day.

(Sudhir Singh, J)

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