

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 5462 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- WARISNAGAR District-Samastipur

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Amarjyoti Prasad Thakur, aged approx 55 years, Male, Son of Shri Shankar Prasad Thakur, resident of Village-Rohua, P.S.-Warisnagar, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate
For the State : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-06-2021

The matter has been heard *via* video conferencing.

2. The matter has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioner yesterday, which was allowed.

3. Heard Ms. Vaishnavi Singh, learned counsel for the petitioner and Mr. Murlidhar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Warisnagar PS Case No. 209 of 2020 dated 02.09.2020, instituted under Sections 324/307/34 of the Indian Penal Code



and 27 of the Arms Act, 1959.

5. The allegation against the petitioner is that due to some dispute relating to demand of credit for some sweets from the shop of the informant, the petitioner along with his sons had assaulted him and specifically against the petitioner, that he gave knife blow on the head whereas his order the sons fired resulting in bullet injury in the stomach.

6. Learned counsel for the petitioner submitted that the allegation is false and because the petitioner used to supply milk to the informant but had stopped its supply and also because the petitioner's house is next to that of the informant and he wanted that the vacant land behind the petitioner's house be sold to him, which was refused by the petitioner due to which this false case has been instituted. Learned counsel submitted that the petitioner is working on contractual basis for the State of Bihar at MNREGA office at Pusa Block and the Junior Engineer has issued certificate that on the said day, i.e., 25.08.2020, the petitioner was with him till 5:30 pm. Learned counsel submitted that the petitioner has been implicated for oblique reasons. It was submitted that a supplementary affidavit has been filed in which it has been stated that the petitioner is an accused in another case of Warisnagar PS Case No. 202 of 2010 also which



was inadvertently not mentioned in the main application.

7. Learned APP submitted that the petitioner is the specified assailant who inflicted knife blow on the head of the informant and the medical report also shows incised wound on the parietal region. It was submitted that even the other allegation of the sons firing is corroborated as a bullet has been found in the stomach of the victim. Learned counsel submitted that the so-called certificate by the Junior Engineer will not be of any help to the petitioner, at least for the present, for the simple reason that the certificate states that on 25.08.2020 i.e., the day of the incident, the petitioner was in the office only till 5:30 pm, whereas in the FIR it is stated that the incident occurred at 6:45 pm. It was submitted that such matters are to be adjudicated on the basis of evidence to be adduced during trial but there being specific allegation of inflicting knife blow on the head which is corroborated by the medical report and witnesses also supporting the prosecution story and most importantly the petitioner being accused in another case i.e., Warisnagar PS Case No. 202 of 2010 which was registered under Sections 341/323/324/307/504/34 of the Indian Penal Code and not indicated in the main application clearly cannot be inadvertent as it was a case under grave sections and more than 10 years



old.

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)

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