

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6987 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- BEN P.S. District- Nalanda

ROHIT KUMAR @ ROHIT SINGH Son of Sakal Singh Resident of Village-
Kolhua, P.S.- Ben, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mrs. Suman Kumari Singh, A.P.P.
For the Informant	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 504, 379 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has antecedent of two cases.

The informant alleges that while he was returning
home after purchasing medicine and reached near the
Bajrangbali Temple of his village, he was intercepted by the
accused persons including the petitioner who started abusing
him and on protest it is alleged that this petitioner assaulted by



spade causing injury on his head. When the informant tried to escape, the petitioner and other accused persons again caught him and assaulted him with rod and Khanti. On raising alarm, when his family members came to save him, the accused persons also assaulted them. In the meantime, Bimlesh Singh assaulted his brother Anil Singh with Khanti causing swelling in his hand and even threatened to kill the informant and snatched his gold chain.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the FIR, it would manifest that the informant has not assigned any reason or motive for the occurrence. He further submits that no occurrence takes place without any motive or reason and from the side of the petitioner Ben P.S. Case No. 190 of 2021 has been instituted against the informant and others in which it has been alleged that on the date of occurrence the marriage of the sister of the petitioner was to take place and the ladies of the family had gone to the Bajrangbali Temple where the present informant in a drunken condition was misbehaving as a result of which the occurrence took place. Learned counsel, thus, submits that this amply demonstrates that as to why the informant in the



present FIR did not assign any motive or reason for the occurrence when the reason for the occurrence was misbehaviour of the informant with the female members of the family of the petitioner. Learned counsel next submits that police after investigation submitted charge-sheet under Sections 341, 323, 324, 504 and 506/34 of the Indian Penal Code. This amply demonstrates that even the injuries suffered by the informant and others were not grievous and dangerous to life, as such, charge-sheet has not been instituted under Section 307 of the Indian Penal Code.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that the FIR does not contain any reason or motive for the occurrence.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Ben P.S. Case No.
188 of 2021, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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