

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18026 of 2022**

Arising Out of PS. Case No.-293 Year-2021 Thana- MAHARAJGANJ District- Siwan

PAPPU KUMAR SINGH @ RAJEEV KUMAR @ PAPPU KUMAR Son of
Saheb Singh Resident of village - Baliya Tole Chain Bhagat, P.S.-
Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chand Verma, Senior Advocate Mr. Amarendra Kumar, Advocate
For the Opposite Party/s:		Mr. Syed Mojibur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 26-09-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 353 307, 504, 506 and 34 of the Indian Penal Code.

The informant who is a police officer, alleges that on 01.12.2021 at 7:15 p.m. while he was on duty along with other police personnel, two named accused persons including the petitioner and 5-6 unidentified accused were present and petitioner was sitting on a standing motorcycle in an intoxicated condition in the middle of the road, it is next alleged that when informant asked him to remove the motorcycle to prevent road blockage then petitioner used abusive language against the informant and Prabhunath Singh further abused him, it is next



alleged that on 7:45 p.m. all the accused persons assaulted the informant with kick and fist and further pelted bricks by which he fell on the road, it is also alleged that on account of assault his tooth broke and blood came out from nose and mouth, it is further alleged that the accused took the mobile torch and threatened to kill him.

Learned senior counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is further submitted that this informant is in habit of creating ruckus despite being in police force as would be evident from various newspaper reports (the reports are taken on record), it is next submitted that it was the informant who was in an intoxicated condition, and thus started abusing and assaulting the petitioner on account of which the present occurrence took place. Learned senior counsel next submits that since the informant had assaulted the petitioner for which the father of the petitioner had gone to the police station to institute a case against the informant but his case was not taken but from the call record i.e., talk between the S.H.O. of Goreakothi and the father of the petitioner would manifest that the police literally were pleading not to institute a case against the informant, it is next submitted that from Annexure-‘4’ series



it would manifest that petitioner was assaulted by the police. Learned senior counsel next submits that it absolutely does not stand to reason that a person alone can have altercation with the police and his force, it is further submitted that the informant in order to save himself has falsely implicated the petitioner and got the present F.I.R. instituted and also manipulated his injury which is simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Maharajganj P.S. Case No. 293 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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