

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22355 of 2022

Arising Out of PS. Case No.-4 Year-2020 Thana- GUTHANI District- Siwan

PANKAJ KUMAR SINGH SON OF KRISHNA SINGH RESIDENT OF
VILLAGE - VARTHUYI, P.S- JEERADEYI, DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate Mr. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, A.P.P.
For the Informant	:	Mr. Prashant Kumar, Advocate Mr. Shashank Shekhar Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-12-2022 In compliance of the Order dated 22.12.2022, the Civil Surgeon, Siwan, Medical Officer, P.H.C, Guthani and Station House Officer, Guthani P.S. are present in person.

Learned A.P.P. for the State also submits that a counter affidavit on behalf of the Superintendent of Police, Siwan has been filed wherein it has been specifically stated that police never received any information from the concerned P.H.C with respect to the present occurrence.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 447, 324, 307, 506 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

Learned Senior Counsel for the petitioner, Yogesh



Chandra Verma, submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner is brother of Jaya Singh who is daughter-in-law of the informant, it is next submitted that since petitioner was known to the informant, as such why she would have committed an occurrence of the nature as alleged and thus would have created evidence against himself. Learned Senior Counsel further submits that the date of occurrence is 31.12.2019 and the F.I.R. came to be instituted on 03.01.2020. It is also submitted that allegation is of firing and the informant is alleged to have sustained gun shot injury and thus was taken to P.H.C, Guthani from where he was referred to a Higher Center.

Learned Senior Counsel for the petitioner submits that it appears that thereafter instead of going to Sadar hospital, Siwan, the informant went to Gorakhpur for his treatment, it is further submitted that it absolutely does not stand to reason that when informant was taken to Guthani P.H.C then why the P.H.C did not inform the concerned police station that an occurrence of firing had taken place in which a person had received gun shot injury, it is thus submitted that this also creates doubt with regard to the veracity of the allegation as alleged in the F.I.R. It is also submitted that had it been a case of gun shot injury, then



either the *Fardbayan* would have been recorded at Guthani P.H.C or at Gorakhpur hospital, but from perusal of the FIR it would manifest that the same is based on written application of the informant which further creates doubt with regard to the veracity of the allegation coupled with the fact that there is a delay in instituting the F.I.R. also.

Learned Senior Counsel next submits that purpose of arrest is not to punish but to ensure that investigation is not hampered. The petitioner will not evade the law rather he will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case so that the truth comes out.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner.

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 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 Guthani P.S. Case No. 04 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself when called by him, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel his bail bonds and to take all coercive steps to ensure that he is behind bars.

Learned Trial Court is directed to send a copy of this Order to the concerned Police Station.

The personal appearance of the Civil Surgeon, Siwan, Medical Officer, Guthani P.H.C. and Officer-in-Charge, Guthani P.S. is dispensed with.

(Satyavrat Verma, J)

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