

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43028 of 2021**

Arising Out of PS. Case No.-84 Year-2021 Thana- KALYANPUR District- East Champaran

NAWAL SINGH Son of Md. Sadi Singh Resident of Village - Mani
Bahuwara, P.S.- Kalyanpur, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 12-07-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner as well as Mr.
J.N. Thakur assisted by the learned counsel for the informant.

The petitioner apprehends his arrest in connection with
Kalyanpur P.S. Case No. 84 of 2021, registered for the offences
punishable under Sections 341, 323, 324, 325, 354, 307 & 34 of the
Indian Penal Code.

Geeta Devi is the informant. She lodged FIR stating
therein that on 01.04.2021 at about 9 a.m. her son, Vivek Kumar,
came from Muzaffarpur. As soon as he reached near his *darwaja* the
FIR named accused persons including the present petitioner who
were already in ambush started assaulting Vivek Kumar with iron
rod, sword, knife etc. On hue and cry, the informant and her husband



came there, thereafter, the accused persons started assaulting husband of the informant. The accused persons inflicted knife blows on the husband of the informant who became unconscious. The other accused persons have also assaulted her husband and her son and they were shifted to the Janki Hospital in unconscious condition.

Initially the case was lodged under Section 307 and other allied sections but after the death of Vivek Kumar Section 302 of the Indian Penal Code was added.

By drawing my attention towards paragraph No. 5 of the case diary, learned counsel for the petitioner has submitted that, at that occasion, the petitioner was not holding any arm. He has falsely been implicated merely because he is father of co-accused Prabhakar Singh and Diwakar Singh. He has also submitted that in paragraph No. 12 re-statement of the informant was recorded and in her re-statement she leveled specific allegation against co-accused Hari Singh of inflicting knife blows on the person of deceased.

On the other hand, learned counsel for the informant has submitted that the deceased sustained three grievous injuries on his person which shows that accused persons had committed murder in pre-planned manner and it was the intention of the accused persons to kill the deceased.

There is allegation in the FIR that present petitioner along with other accused persons assaulted the deceased. In paragraph No. 5 and 12 also the petitioner has been named by the witnesses. In



supervision note the complicity of the petitioner has also been figured. The investigation is still continuing. As such, I do not think it to be a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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