

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8278 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- NASRIGANJ District- Rohtas

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ABHISHEK KISHORE SINHA@ ABHISHEK KUMAR SINHA alias
Abhishek Kumar Sinha, about 37 years (Male), Son of Madan Kishore Sinha,
Resident of Village- Amiyawar, P.S.- Nasirganj, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwary, Advocate
For the Opposite Party : Mr. Lakshman Lal Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Nasirganj P.S. Case No. 06 of 2020 for the offence
registered under Sections 147, 148, 341, 307, 504 of the I.P.C.
and Section 27 of the Arms Act.



The prosecution story, in brief, is that on 09.01.2020 at about 8.30 P.M. while the informant was feeding her dog at her *Verandah* then Abhishek Kishore Sinha (petitioner), co-accused Apurava Kishore Sinha and Santosh Kahar of her village- Amiyawar came there and asked about her father. She replied that she does not know, then all the above named persons began to drag her towards the street. On her alarm, her uncle Ranjit Kant Shrivastava reached there to rescue her and asked to free her. In the meantime, Abhishek Kishore Sinha (petitioner) fired with D.B.B.L. gun causing injury to her uncle. Co-accused Apurva Kishore Sinha had pressed her mouth and he uttered to shoot her, otherwise she will be a witness. Then Abhishek Kishore Sinha (petitioner) fired at her causing injury to her. Further, she stated that on hulla, her uncle, namely, Sanoj Lal came there then Santosh Kahar caused injury on his head by attacking with Iron rod. After that she became unconscious. After regaining sense, she found herself at N.A. College and Hospital, Jamuhar, where during treatment her statement was recorded.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. The petitioner is a constable in B.M.P. There is case and counter case between the parties where the petitioner is also said to have sustained firearms injury. There is land dispute between the parties. It has further been submitted that other co-accused persons, in the counter case which was instituted by the petitioner's side, have been granted anticipatory bail.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of firing against the petitioner. First firing was made by the petitioner upon the uncle of the informant. The said injury upon the uncle of the informant is said to be grievous in nature caused by the firearms. Second firing was made by the petitioner upon the informant and the nature of injury is said to be simple. Other accused persons have been granted anticipatory bail in the counter case which was instituted by the petitioner's side. From perusal of the said orders, it appears that against those persons there was no specific allegation of firing alleged against them. There is specific allegation of firing alleged against the petitioner and the injury report corroborates with the allegation made in the F.I.R.



Considering the same, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Nasriganj P.S. Case No. 06 of 2020, pending in the court of learned S.D.J.M., Bikramganj, Rohtas.

If the petitioner surrenders in the learned court below and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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