

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11760 of 2023

Arising Out of PS. Case No.-5 Year-2015 Thana- ALAMGANJ District- Patna

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AMRENDRA KUMAR SINGH Son of Shri Ajit Kumar Singh Resident of
Village- Rajapur, P.S.- Mali, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra

For the Opposite Party/s : Mrs. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 306 of the Indian Penal
Code.

As per the FIR, one Aawasi Danish drunk acid and was
sent to N.M.C.H. It is further disclosed that elder children of
observation home assaulted Danish due to which he consumed
acid. The informant (petitioner) prayed to take legal action
against those juveniles. A formal FIR was registered on the basis
of aforesaid information against the juveniles. The Police
Inspector – cum – S.H.O, Alamganj, Patna City, Patna filed an
application in the learned Court below and prayed for re-
investigation against the informant i.e. the petitioner on the



point of involvement of informant (petitioner). There is allegation of involvement in abatement of suicide of the deceased against the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. The police has taken action against the petitioner in the present case even though it is the petitioner who has firstly informed the police with a written report. He submits that on the alleged date of occurrence there was a quarrel between the victim and the other inmates of Juvenile Observation Home and on that point of time the petitioner was not present there. He further submits that after a lapse of seven years, no witness has came forward to allege anything against the petitioner. It is stated that no material has come on record in the statement of inmates of the victim against the petitioner and while passing the order of re-investigation of the case, the learned Court below exceeded its jurisdiction without taking into account the provision of Cr.PC, the provision laid down u/s 173(8) of Cr.PC



only provides further investigation after a report u/s 173(2) of Cr.PC. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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 Alamganj P.S. Case No.05 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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