

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14228 of 2023

Arising Out of PS. Case No.-121 Year-2018 Thana- WARISLIGANJ District- Nawada

1. Anjani Singh @ Anjani Kumar Son of Sri Umesh Singh @ Umesh Prasad Singh Resident of Village - Kutari, Post - Naromurar, Police Station - Warisaliganj, District - Nawada.
2. Pankaj Pathak Son of Ravindra Pathak Resident of Village - Kutari, Post - Naromurar, Police Station - Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate
	:	Mr. Sanjay Kumar Singh, Advocate
For the Informant/s	:	Mr. Deepak Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-04-2023

Heard the parties.

2. Petitioners seek regular bail in connection with Warisaliganj P.S. Case No.121 of 2018 dated 23.04.2018 registered for the offences punishable under Sections 166, 201, 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. The prosecution's allegation in brief is that the informant who happens to be victim of Warisaliganj P.S. Case No.181 of 2015, which was lodged by his brother, has filed a written complaint at the police station concerned alleging that his injury report in Warisaliganj P.S. Case No.181 of 2015 was



prepared false and fabricated and according to him, the petitioners who are his co-villagers assaulted him and owing to the said assault he sustained injury at his right leg's knee, right hand's ring finger and left hand's wrist and thereafter he was examined by co-accused Dr. Dhananjay Kumar at P.H.C., Kashichak, from where he was referred to Sadar Hospital, Nawada, and thereafter on the same day he was treated at Patna and as per allegation without getting report from Dr. R.N. Singh, an orthopedic surgeon of Patna, his injury report was prepared by co-accused Dhananjay Kumar, in which it was falsely mentioned that there was no bony injury.

4. The main submissions advanced by the learned counsel for the petitioners are that Warisaliganj P.S. Case No.181 of 2015 was lodged by the brother of the informant of present case wherein it was alleged that the said brother and informant of the present matter were assaulted by these petitioners and others but the brother of the present informant never got himself medically examined, though as per allegation, he sustained fracture injury on his right leg's knee and in fact there is political rivalry in between the informant and the petitioner No.1, who was earlier a Mukhiya, and thereafter remained a member of Zila Parishad till the year 2021 and he



was granted anticipatory bail by the trial Court concerned in connection with Warisaliganj P.S. Case No.181 of 2015 and thereafter the informant of Warisaliganj P.S. Case No.181 of 2015 moved before this Court by filing Cr. Misc. No. 34764 of 2017 for cancellation of the said anticipatory bail granted to the petitioners on 14.08.2015 and in the said miscellaneous case the brother of the present informant neither informed this Court that it was the informant of the present matter who was injured nor did he mention about preparation of the wrong medical report and no allegation as to the preparation of false and forged injury report of the informant of the instant matter was made and when the informant failed to get anticipatory bail of the petitioners cancelled, then the FIR of the present matter was lodged. Further submission is that one co-accused namely Dr. Sanjit Kumar, who has been alleged to have prepared the alleged injury reports, has been granted Regular Bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 58645 of 2022 and admittedly there was no role of these petitioners in preparing of the alleged injury reports. Further submission is that petitioners themselves surrendered on 23.01.2023 and since then they have been languishing in jail.

5. On the contrary, learned counsel appearing



for the Informant has vehemently opposed the bail prayer of the petitioners and submitted that on 02.07.2015, the informant was surrounded by these petitioners and others and was assaulted brutally by them and then the brother of present informant lodged Warisaliganj P.S. Case No.181 of 2015 and the informant of present case was taken to Primary Health Centre, Warisaliganj where he was treated by the co-accused Dr. Dhananjay Kumar and further he was referred to Sadar Hospital, Nawada where he was treated by Dr. Sanjit Kumar and his x-ray report clearly showed the fracture of *patella* of right leg's knee joint, fracture in ring finger of right hand and multiple fractures in his left hand's wrist and seeing his condition he was referred to orthopedic surgeon on the same day and he was treated by Dr. R.N. Singh at Patna and multiple surgeries were performed upon him but in the meantime a tampered injury report was prepared and issued under signature of co-accused Dr. Dhananjay Kumar, showing the fractures of *patella* of right leg's knee joint as in the left leg and expressed his opinion about said injuries to be simple in nature and on 08.07.2015 a supplementary injury report was issued by the co-accused Dr. Dhananjay Kumar on the basis of injury report written by co-accused Dr. Sanjit Kumar, Sadar Hospital with this fact that the informant of the



present matter had suffered no bony injury and the said false injury reports were prepared with a view to provide help to the petitioners in getting bail and consequently they succeeded in obtaining the said relief. Further submission is that the informant of the present matter after getting knowledge of all the said wrongs on the part of the petitioners and other co-accused persons, filed a complaint to Civil Surgeon-cum-Chief Medical Officer, Nawada but no action was taken and then he filed a written complaint to District Lok Shikayat Niwaran Padadhikari, Nawada and upon his order, a medical board was constituted, which again got x-ray of the informant on 05.08.2016 and found the sign of multiple fractures on him and the board in its report opined that the injury report issued by co-accused Dr. Sanjit Kumar was partially wrong, in fact under the influence of these petitioners the members of the said board with a view to save the co-accused persons gave the said opinion and used the term “partial wrong” in their report, while as per their own report, the injury reports prepared by co-accused persons were completely wrong. Further submission is that the informant of the present matter got himself examined at AIIMS, New Delhi on 02.11.2016 where the evidence of multiple fractures on his body was also found and the informant



had to knock the doors of several higher police authorities to get the present case registered and prior to registration of the FIR of the present matter he represented before Additional Director General of Police (Head Quarter), Bihar, who in turn directed the D.I.G., Magadh Range, Gaya to enquire into the matter and in the enquiry the allegation levelled by him, were found true and correct and during the pendency of investigation of the present case, on 17.12.2018, the petitioner No.1 was present in the farewell function on the dais with senior police officer which shows his influence in the police department and on account of petitioners' interference in the police department, the informant of the present matter had to file Cr.W.J.C. No. 859 of 2021 for getting his matter investigated fairly. Further submission is that both the petitioners are veteran criminals and petitioner No.1 is accused in 8 more criminal cases and petitioner No. 2 has also criminal antecedents of many cases and petitioner No.1 used to play fraud with this Court also by making false statement in his earlier bail application to obtain favourable order and both the petitioners suppressed their criminal antecedents while pressing their bail prayer before this Court in connection with Warisaliganj P.S. Case No. 4 of 2012 etc. and in this regard the copies of the relevant orders passed in



Cr. Misc. Nos. 20602 of 2011, 8879 of 2012 and 9051 of 2012 have been filed as Annexure R2 and R3 series with the counter affidavit.

6. Learned APP appearing for the State has also opposed the bail prayer.

7. Heard both the sides and perused the FIR and the case diary. In the light of submissions made by learned counsel for the informant as well as in view of the averments made in the counter affidavit there are sufficient materials to suggest that the alleged injury reports of the informant of the present matter were falsely prepared by the co-accused persons and the evidences gathered by the investigating officer during investigation do not rise the presumption that the alleged injury reports were prepared *bonafidely* by the co-accused persons and the same appears to have been prepared only with a view to help the petitioners and accordingly, the main beneficiaries of the alleged documents are the petitioners themselves and admittedly there are criminal antecedents of eight cases against petitioner No.1 and three criminal antecedents are against the petitioner No. 2 and in the counter affidavit filed by the informant, it has been alleged that both the petitioners suppressed their criminal antecedents before this Court while pressing their bail prayer in



connection with other cases and the said allegation has not been refuted by the petitioners by way of any rejoinder and admittedly the petitioner No.1 is a political person and the petitioners are in the position to influence the fairness of the investigation due to which the informant had to approach this Court also for getting his case investigated properly. In the light of these facts, I am of the view that enlargement of the petitioners on bail at this stage may cause an adverse effect in the fair trial of their case. Accordingly, I am not inclined to accept the prayer for bail made by the petitioners for the present, hence their bail prayer stands rejected.

8. Petitioners may renew their bail prayer after six months, if they co-operate in their trial and no significant progress is made in their trial.

(Shailendra Singh, J.)

sangam/-

U		T	
---	--	---	--

