

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22349 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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ALOK RANJAN S/O BIRENDRA SINGH Resident of village- Balliapatti,
P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 341,
323, 307, 379, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that petitioner assaulted him
by Katta over his eye, Vivek Kumar dashed him by his Santro
Car and rammed over his thigh and when the informant's wife
and his son came to save him they were also assaulted and
Dhiraj Kumar took Rs.5,000/- from the pocket of Monu Kumar.

5. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is



further submitted that from the side of the petitioner also Gautam Budh Nagar P.S. Case No. 117 of 2022 was instituted by Vivek Kumar Singh alleging therein that while they were returning from the marriage in his car and when they reached near the house of Brijnath Singh where from before the named accused persons were waiting and they started abusing him and other members sitting in the car and when the same was objected it is alleged that Manu Kumar assaulted him by a sword causing injury over his head and Sulabh Kumar Singh assaulted Alok Ranjan (present petitioner) on his head causing injury and when Mohit Kumar Singh came to save them he was also assaulted and the car in which they were travelling was badly damaged.

6. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the present FIR and the allegation as alleged by Vivek Kumar Singh, it would manifest that at the spur of moment, it appears that the occurrence took place in which both sides assaulted each other. It is further submitted that Alok Ranjan has also been assaulted on head by firearm causing injury, similarly Vivek Kumar Singh has been assaulted by sword when it is alleged in the present case that petitioner assaulted the informant by Katta causing



injury over the eye. It is next submitted that no doubt from perusal of Annexure-3 to this application, it would manifest that the injury caused to the informant over his eye is grievous in nature.

7. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner and submits that the injury is grievous and the informant has suffered injury near the vital part of his body i.e. eye.

8. Learned counsel for the petitioner rebuts the submission and submits that the injury is grievous but then from the side of the petitioner also people were assaulted by the side of the informant and petitioner is a person with clean antecedent and there was no animosity existing in between the petitioner and the informant's side from before but at the spur of the moment as the car dashed the informant the present occurrence took place.

9. Considering the submissions made by the learned A.P.P. and the learned counsel for the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with G.B. Nagar P.S. Case No. 116 of 2022 pending in the Court of learned Additional Chief Judicial



Magistrate-III, Siwan/successor Court.

10. Accordingly, the prayer for anticipatory bail is rejected.

11. However, if the petitioner surrenders before the learned trial court on or before 23.08.2023, the learned trial court shall dispose of the case on the same day keeping in mind that petitioner is a person with clean antecedent and the occurrence took place and both sides instituted cases against each other and even the petitioner was assaulted.

(Satyavrat Verma, J)

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