

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64566 of 2022**

Arising Out of PS. Case No.-407 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Ravi Kumar, Son of Deonath Singh, Resident of Village- Mayapur, P.S.-
Daudnagar, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Lal Bahadur Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Navin Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 22-05-2023 Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of the Informant.

Let the defect(s), as pointed out by the office, if any,
be removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Daudnagar P.S. Case No. 407 of 2022 registered for the offences punishable under Sections 341, 323, 307, 324, 504, 426, 506/34 of the Indian Penal Code and later on added Section 302 of the Indian Penal Code.

The allegation against petitioner is to assault informant and others by means of *Garasa*, iron rod etc. causing them head and bodily injuries alongwith other co-accused



persons, having intention to cause their death, where occurrence is arises out of land dispute. During course of treatment, injured Akhilesh Singh died adding Section 302 of the IPC to the FIR.

It is submitted by learned Senior counsel appearing on behalf of petitioner that from bare perusal of the FIR, it appears that allegation against this petitioner is very much general and omnibus. It is further submitted from the face of FIR itself that allegation against petitioner is limited to teeth biting to one Pankaj Kumar and also to cause hand injury to one Arun Singh, where both injuries reported after medical examination as simple, which are sufficient to gather that petitioner was not under intention to cause death of injured. It is also pointed out that petitioner is in inimical terms with informant and his family members and as petitioner is working with Indian Army, implicated falsely with present case to create a pressure to entire family. It is submitted that informant is claiming to be an eye witness to this occurrence and as such there is no reason to disbelieved his version, where specific act to this petitioner was attributed through FIR. It is also argued by learned Senior counsel that postmortem report is also not appears in corroboration with nature of weapons which alleged to be used by petitioner, causing head injury to deceased. It is submitted



that petitioner also found involved in one more case, where he is on bail.

Learned APP duly assisted by learned counsel Mr. Navin Kumar Jha appearing on behalf of the informant while opposing the prayer of bail submitted that during the course of investigation, the injured persons alleged against this petitioner to cause specific blow of *farsa* on head of deceased, causing his death. From perusal of case diary, it appears that injured eye witness, namely, Amrendra Kumar in para 20 and other injured persons specifically named this petitioner to cause fatal head injury to deceased.

Considering the aforesaid facts and circumstances and by taking note of the statement of injured eye witness, who specifically alleged this petitioner to cause fatal head injury to deceased, the prayer of anticipatory bail of petitioner is rejected herewith.

However, if petitioner surrenders and seeks regular bail, his prayer for regular bail shall be considered on its own merits without being prejudiced by present order.

(Chandra Shekhar Jha, J)

veena/-

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

