

Court of Principal Sessions Judge, Giridih

A.B.P.No. 1692 of 2022

(CNR No.JHGR010068142022)

Uchit Singh

-Versus-

State

19/11/2022 The present bail petition filed on behalf of petitioner namely Uchit Singh, who is apprehending his arrest in connection with Bengabad P.S. Case No. 183/2022, registered u/ss 341/323/ 324/ 307/ 504/506/34 of I. P. C., is put up and moved today.

Learned counsel for the petitioner submitted that the petitioner is innocent and committed no offence and has falsely been implicated in this case. All sections are bailable save and except Section 307 I.P.C. which has been added to make the case non-bailable. There is no specific allegation against the petitioner. The injured did not sustain any grievous injury on his vital part of the body and there is no repetition of blow, as such no case u/s 307 I.P.C. is made out against the petitioners. Co-accused Arbind Kumar Singh has been granted bail by this Court vide B.P.No.792/2022. As such, the petitioner may kindly be enlarged on anticipatory bail.

Learned P.P. I/C on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Perused the F. I. R., case diary and other material available on record.

The prosecution case in brief is that on 3.8.2022 at about 10:00 A.M. the informant saw that the boundary wall of Arjun Singh was being demolished. Thereafter, the informant informed Arjun Singh and when the accused was asked, they started abusing the informant. In the meantime, accused Uchit Singh and Arvind Kumar Singh armed with sword rushed there and with intention to kill, assaulted on the head of informant. Accused Shiv Shankar Singh @ Dara Singh assaulted the informant by means of 'Farsa' on his leg. The accused persons also assaulted Arjun Singh by means of bricks and stones. When Bhim Singh rushed to save them, accused Kalpana Devi @ Lali Devi w/o Uchit Singh, Mamta Devi and Kalpana Devi w/o Shiv Shankar Singh came there armed with lathi and danda and started assaulting. In the meantime, accused Arvind Singh assaulted on the buttock of Bhim Singh by means of sword and Shiv Shankar Singh assaulted on his right leg by means of farsa. The nearby people came there and saved them. Thereafter, F.I.R. was registered.

From perusal of F.I.R it appears that the petitioner is named in the F.I.R. and there is serious allegation of assault against him. From perusal of case diary, it appears that the witnesses vide para 8,9,35,36,65,66 have named the petitioner and stated that the petitioner armed with sword, assaulted the informant and others. From perusal of para 16 of the case diary, it appears that a sword was recovered near the house of accused. From perusal of injury report of injured Sukhdeo Singh attached with the case diary, it appears that he sustained (1) lacerated wound on head measuring 5 c.m. x 1 c.m. x 1 c.m. caused by hard and blunt substance. The C.T. scan of brain shows NAD and the doctor has opined the nature of injury is simple (2) Pain in left knee caused by hard and blunt substance and from perusal of x-ray report, the doctor has found no abnormality and opined the nature of

wound is simple. It appears that the injured sustained injury on his head, which is the vital part of the body. The investigation against the petitioner is going on.

Regard being had to the facts and circumstances of the case and seriousness of the offence, I am not inclined to grant anticipatory bail to the above named petitioner. Hence, the instant anticipatory bail petition stands **rejected** and the above named petitioner is directed to surrender before the learned Court below within two weeks from the date of this order and further to move regular bail.

(Dictated)

-Sd/- V.Misra-

(Veena Misra)

Pr. Sessions Judge

Giridih, 19/11/2022.