

(2021) 04 PAT CK 0028

Patna High Court

Case No: Criminal Miscellaneous No. 20047 Of 2020

Banwari Sahni

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: April 7, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 307, 323, 324, 341, 504

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Binay Kumar Singh, Md. Arif**Final Decision:** Dismissed

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Binay Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the "APP" for the State.
3. The petitioner is in custody in connection with Mirganj PS Case No. 62 of 2019 dated 09.03.2019, instituted under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.
4. The allegation against the petitioner is specifically of causing injury to the daughter of the informant on the head by garansa.
5. Learned counsel for the petitioner submitted that the petitioner is a poor man and there was land dispute between the parties and he is in custody since 24.12.2019. It was submitted that the petitioner has been falsely implicated and has no criminal antecedent. Learned counsel submitted that only

charges have been framed in the case. It was further submitted that the allegation is of attack by garansa, but the injury report discloses that injury was caused by hard and blunt substance.

6. Learned APP submitted that earlier the Court had called for the injury report, which has been received and discloses wound of 3½x1¼x bone

deep on the right frontal region, which is vital part of the body and the specific allegation of causing such injury is against the petitioner. Learned APP

further drew the attention of the Court to Annexure-1, which is a common order in the case of the petitioner and seven others dated 16.11.2019 in Cr.

Misc. No. 43015 of 2019 by which anticipatory bail of the petitioner was rejected and the Court had noted that the injury caused on the daughter of

the informant was bone deep on the head and, thus, prayer for anticipatory bail was rejected. Learned counsel submitted that the plea of the injury

report stating the use of hard and blunt substance is not contradicted by the allegation of blow of garansa for the reason that even the said weapon

garansa has two sides; one is sharp and one is blunt. Thus, it is very much possible that blow was made by the blunt side, but the injury is on the

frontal region and bone deep, which is very serious and it was only the good fortune of the victim that she was saved. Further, it was contended that

mere use of such weapon for attack clearly indicates that the intention of the petitioner was to cause serious injury to the victim.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge

the petitioner on bail.

8. Accordingly, the application stands dismissed.

9. However, the Court below is directed to expedite the trial and conclude it preferably within one year.