

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14230 of 2021**

Arising Out of PS. Case No.-420 Year-2020 Thana- RANIGANJ District- Araria

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1. Hasnain, aged about 42 years, male, S/o late Dost Mohammad,
 2. Md. Qaunain @ Qonain, aged about 37 years, male, S/o late Dost Mohammad.
- Both resident of village- Kadwa, P.S.- Raniganj (R.S. OP), Distt- Araria.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the State : Mr. Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 12-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Nafisuzzoha learned counsel for the petitioners and Mr. Rajendra Nath Jha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Raniganj (RS) PS Case No. 420 of 2020 dated 19.08.2020 instituted under Sections 341, 323, 324, 307, 379, 354, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioners is of assault on the informant and his cousin on the head leading to injury due to previous dispute between them.



5. Learned counsel for the petitioners submitted that there was a *Panchayati* on the fateful day and the occurrence occurred there and there was a free fight and both sides had suffered injury and further Raniganj (RS OP) PS Case No. 443 of 2020 has also been filed by the wife of the petitioner no. 2 against the informant and others. It was submitted that the injury reports has not given any specific opinion and the same has been kept reserved for the report of the CT scan of the brain. Learned counsel submitted that the petitioners have been falsely implicated.

6. Learned APP, from the case diary, submitted that the injury on the head has been caused by assault by the petitioners as has been specifically alleged in the FIR and the injury reports disclose one stitched wound on the head and forehead of Md. Akbar and one stitched wound on right parietal region of Shahnawaz.

7. At this juncture, when the Court made query to learned APP with regard to the specific direction that all the injury report(s) including the final report(s) be obtained from the Superintendent of Police, Araria, he submitted that the same is not there. On a further query as to whether he has taken instructions from the Superintendent of Police, Araria, with



regard to procuring the final report(s), he submitted that he has not done so.

8. The Court can only comment on the unfortunate situation where the specific directions of the Court are not complied with and the same results in wastage of Court's time and also lack of proper assistance to the Court.

9. Be that as it may, the Court would not cause any further wastage of it's time.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

11. Accordingly, the petition stands dismissed.

12. Interim protection given to the petitioner under order dated 15.06.2021 stand vacated.

13. However, in view of submission of learned counsel for the petitioners, in the event they appear before the Court below and pray for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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