

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27048 of 2015

Arising Out of PS.Case No. -305 Year- 2014 Thana -GHOSI District- JEHANABAD

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Laxmi Mistri @ Laxmi Kumar, Son of Rajendra Mistri @ Rajendra Sharma
resident of Village - Ratan Bigha, Police Station - Ghosi in the district of
Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate.

For the Opposite Party : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 307 and other Sections
of the Indian Penal Code.

The informant named the petitioner along with other
accused persons and alleged that they all assaulted his father Arjun
Prasad Yadav, Raj Kishore Kumar and nephew Diwakar Kumar
with different sharp edged weapons.

Learned counsel for the petitioner submits that the name
of the petitioner figured in the FIR as the son-in-law of Chhotan
Mistri. No specific allegation is made against the petitioner. On
the basis of fardbeyan of Chhotan Mistri a counter case bearing
Ghosi P.S. Case No. 306 of 2014 is registered against Arjun

Prasad Yadav and others. The Dy. SP did not find the involvement of the petitioner. However, the S.P. recommended for submission of charge sheet.

On the other hand, learned counsel for the informant as well as the learned APP submits that there is allegation that the petitioner also assaulted with sharp edged weapon. Chhotan Mistri got as many as 6 – 7 injuries. Other accused persons have also assaulted by sharp edged weapons. The title suit is pending with regard to the land, was dismissed in the year 2010.

Considering the facts aforesaid and the fact that the petitioner also assaulted the father of the informant and others causing injury on different parts of the body, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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