

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30665 of 2015

Arising Out of PS.Case No. -159 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

1. SK. Safique Son of S.K. Kudra Resident of village - Mathurapur, P.S. Shivnarayanpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2015

The petitioner is apprehending his arrest in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 159 of 2015 for the offence under Sections 341, 323, 379, 307, 504/34 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the accused persons were fixing the khuta on the land of the petitioner. On protest the accused persons started abusing him and catch hold of him and with an intent to grab his land forcibly tried to obtain his signature on a plain paper and assaulted him with fists and slaps.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused due to

mistake of fact. It is further stated that the injury report did not supports the allegations made in the First Information Report. As per the First Information Report the petitioner is said to have caused injury by khanti but in the injury report suggests that it is a sharp cutting injury.

On behalf of the State, it has been submitted that the petitioner is named in the First Information Report and there is specific allegation against him for assaulting the victim.

Considering the aforesaid fact, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

However, if the petitioner surrenders in the court below within six weeks and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection taking into account that the injury report do not supports the allegation made in the First Information Report.

(Sudhir Singh, J)

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