

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40103 of 2015

Arising Out of PS.Case No. -286 Year- 2014 Thana -BIBHUTIPUR District- SAMASTIPUR

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Mukesh Kumar @ Mukesh Kumar Rai Son of Mahendra Rai Resident of
village - Mohammadpur Sakra, P.S. Bibhutipur, District - Samastipur
(Bihar) Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Zainul Abedin (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 30-09-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 307, 341, 323, 324, 379/34 of the Indian Penal code and the fact that direct allegation of assault against the petitioner has been found to be substantiated in the injury report, this Court is not inclined to grant privilege of anticipatory bail only on the basis that the alleged head injury had been found to be by the Doctor to be a lacerated injury. In fact the doctor has found the injury to be three dimensional which would itself reflect that the injury was also capable of being held to be incised injury. Moreover the use of weapon by the petitioner being allegedly Farsa on the head of the injured, if such an injury has also been found on the head by the doctor, this Court for the purpose of grant of anticipatory bail will not go into the further niceties of the injury report for the present inasmuch as if the person gets such injury from back

position of Farsa, it can also well be even a lacerated injury.

That being so, the prayer for anticipatory bail of the petitioner is rejected.

surendra/-

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(Mihir Kumar Jha, J)