

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35320 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -ANDHRATHARI District- MADHUBANI

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Sudhakar Kumar Jha @ Sudhakar Jha Son of Gopi Raman Jha Resident of
Village - Mailam, P.S. - Andharatharhi, District - Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binodanand Mishra, Advocate.

For the Opposite Party : Mr. Pranav Kumar (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 27-08-2015 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 341, 323, 324, 307, 380, 504 and 506 of the I.P.C.

Allegedly, when the informant was sleeping on his Varamdah in the night all the accused persons including the petitioner came there and surrounded the informant and began to abuse and on protest on the order of co-accused Gopi Raman Jha the petitioner assaulted with Farsa on his head resulting the informant fell down and other accused persons assaulted him by fists and slaps and on alarm being raised when cousin and nephew of the informant came to rescue him they were also assaulted by

the accused persons and further the accused persons took away ornaments, cloth and cash of Rs. 10,000/-.

Submission is of false implication due to land dispute. There is case and counter case. No offence under section 307 I.P.C. is made out as there is no allegation that the petitioner repeated blow. The petitioner's family members are also under treatment due to assault by the informant and his men and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner has caused farsa injury on the vital part, i.e. head of the informant and the doctor has also found injury which is evident from the impugned order itself.

Considering the allegation that the petitioner has assaulted with farsa on the head of the informant and the doctor has found such injury on the head of the informant and as such this Court is not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Andhratharhi P.S. Case No. 28 of 2015 pending in the court of Sri D.N. Mishra, J.M. 1st Class, Jhanjharpur, Madhubani.

(Jitendra Mohan Sharma, J)

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