

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7179 of 2015

Arising Out of PS.Case No. -140 Year- 2014 Thana -CHAKIA District- EAST CHAMPARAN
(MOTIHARI)

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Bhola Prasad son of Shambhu Prasad resident of Village- Fulwariya, P.S.-
Chakia, Dist- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-02-2015

Heard both sides.

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

The informant alleged that the accused persons, having armed with knife, iron rod and lathi, assaulted the informant and other family members. Petitioner Bhola Prasad is alleged to have assaulted the father of the informant with knife in his abdomen.

Learned counsel for the petitioner submits that five accused persons, namely, Lalan Prasad, August Narayan Prasad, Chandan Prasad, Khushboo Kumari and Surti Devi have already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 965/2015. The injury found on the persons of the injured is

simple in nature. One of the co-accused, Shambhu Prasad, has been enlarged on regular bail.

It appears that Shambhu Prasad is alleged to have assaulted with iron rod. There is no specific allegation against the accused persons, who have been enlarged on anticipatory bail. There is a very specific allegation against the petitioner that he gave knife blow in the abdomen of the father of the informant and corresponding injury is found, although the injury is simple in nature.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Chakia P.S. Case No. 140/14, G.R. No. 2282/2014. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from today and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner taking into account that the blow given by the petitioner caused simple injury and Shambhu Prasad, against whom there is allegation of assaulting with iron rod, has already been enlarged on regular bail.

(Prabhat Kumar Jha, J)

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