

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18765 of 2015

Arising Out of PS.Case No. -6 Year- 2015 Thana -MANSAHI District- KATIHAR

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Raj Kumar Sharma. Son of Baijnath Sharma. Resident of Village - Bari
Mohanpur, Police Station - Mansahi, District - Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 307, 341, 323, 324, 504/34 of the Indian Penal Code and that the direct allegation of assault against the petitioner on the person of the injured has been fully established in the two medical reports, holding the injury caused by the petitioner by hard and blunt substance not only to be grievous but also involving the risk of life, this Court is not inclined to grant privilege of anticipatory bail. The submission of the learned counsel for the petitioner that one of the two injury reports is of a private doctor would also be of no avail, inasmuch as the facilities in the State of Bihar for functional CT Scan is not even available in most of the medical college much less in the Primary Health Centre (P.H.C.) and therefore, if the injured was referred by the Government doctor of

P.H.C. to a private specialized centre, its opinion cannot be altogether brushed aside at least for the purposes of considering the prayer for anticipatory bail of the petitioner.

That being so, this application for grant of anticipatory bail to the petitioner must fail and is accordingly dismissed.

It is, however, made clear that if the petitioner would surrender and seek regular bail, the same would be decided on its merits without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

surendra/-

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