

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23196 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -CHANDRADEEP District- JAMUI

Pradeep Mistri Son of Late Gehan Mistriy Resident of village - Sewe, P.S.
Chandradeep, Distt. - Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anwar Karim, Advocate.

For the Opposite Party/s: Mr. Rajiv Nayan (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 323, 324, 341, 504 and 506 of the Indian Penal Code and under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 when this Court has found that the allegation of assault against the petitioner stands substantiated not only from the objective finding of the investigating officer at the place of occurrence by way of presence of blood stain but also in the injury report of the doctor having as many as three injuries, this Court would not be inclined to grant privilege of anticipatory bail only on the basis of the over emphasized submission of the learned counsel for the petitioner that an injury of Tangi and Khanti could not have been found as has been recorded by the doctor in the injury report inasmuch as

Khanti or Tangi is capable of being used even as a hard blunt weapon and the doctor has not only found presence of lacerated injury of 10 cm x 6 cm x bone deep but also on the right occipital region (scalp) which was sufficient to cause even death and, therefore, if the petitioner has fortunately been till now not made accused for the offence under Section 307 of the Indian Penal Code that would not mean that this court should also grant anticipatory bail to the petitioner.

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

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--