

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25040 of 2015

Arising Out of PS.Case No. -362 Year- 2013 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Saurav Deep @ Vishal Kumar son of Vinay Kumar Rai resident of Village -
Ismailpur, P.S. - Hajipur Sadar, District - Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Navin Kr. Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 24-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 147, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code and that there is a direct allegation of causing injury by Garasa over the head of the informant by the petitioner this Court will not be inclined to grant privilege of anticipatory bail to the petitioner, especially when there is also allegation of repetition of such blow by him.

The submission that there was an earlier case filed by petitioner's uncle on 16.10.2013 on the basis of which F.I.R. was lodged on 1.11.2013 or that the injury report of the informant is not available in the case diary will also make no impact for a simple reason that the informant's statement has been recorded on 18.10.2013 in Patna Medical College and Hospital on the basis of

F.I.R. of Hajipur P.S. Case No. 362/2013 was lodged and therefore, if the police officials have not been able to trace the places where the medical treatment of the informant was given i.e. Hajipur Sadar Hospital on 16.10.2013 and in P.M.C.H. from 16.10.2013 onwards that will not enure to the benefit of the petitioner for the purposes of grant of anticipatory bail.

If the petitioner, therefore, surrenders and files an application for regular bail, the court below shall call for the case diary as well as injury report form the concerned hospital and upon looking into it, it shall pass an appropriate order for grant of regular bail. While examining the prayer for regular bail of the petitioner, it will be also open for the court below to look into the correctness of the defence version in the alleged earlier ferdbeyan dated 16.10.2013 of the uncle of the informant against the Prosecution party by examining the case diary of Hajipur Sadar P.S. Case No. 378/2013 dated 1.11.2013 as well as the nature of injury on the side of the petitioner.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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