

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25804 of 2015

Arising Out of PS.Case No. -173 Year- 2013 Thana -CHAPRA MUFFASIL District- SARAN

1. Sunil Rai son of Ram Bilas Rai,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-I(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-07-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147/148/341/323/324/307/504 of the Indian Penal Code and section 27 Arms Act.

It is alleged against the petitioner to have assaulted with 'dab' on head of informant but he did not receive any injury when his brothers came to rescue he assaulted with 'dab' to one of his brother namely, Chandan Kumar but he received no injury, on the second assault Chandan Kumar received injury on his head. The petitioner further assaulted to another brother of the informant namely, Amit Mishra causing injury on his head. The allegation of assault and firing are against the other accused persons also.

It is submitted by learned counsel for the petitioner that earlier the bail application of the petitioner was rejected vide Criminal Miscellaneous No. 7404 of 2014 since there is specific accusation of assault. But the prayer has been renewed on the ground that the injuries have been found simple in nature and statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact the petitioner's earlier bail application was rejected, this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Chapra Mufassil P.S. Case No.173 of 2013, pending before the learned Chief Judicial Magistrate, Chapra (Saran) keeping in view of the fact injury has been found simple in nature, there is case and counter case and the petitioner having no criminal antecedent.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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