

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35148 of 2015

Arising Out of PS.Case No. -164 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

1. Madan Pathak Son of Late Dhirendra Pathak resident of village -
Salempur, P.S. -Pirpainty, District -Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Surendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-08-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Pirpainty P.S. Case No. 164 of 2014 registered for the offences
punishable under Sections 147, 448, 341, 342, 323, 307, 380, 504,
354 of the Indian Penal Code.

Allegedly, when the informant was taking food, the
petitioner and co-accused entered into his house and started
assaulting him. The petitioner assaulted the informant with iron
rod on his head and other co-accused also assaulted the informant
resulting he became unconscious and further the accused persons
outraged the modesty of daughter-in-law and the petitioner took
Rs. 22,000/-, gold ear ring and two mobiles and fled away.

Submission is of false implication and that there is case and counter case, the occurrence has taken place for getting share in the property, no such injury was found on the person of the informant and, as such, the petitioner deserves sympathetic consideration to which the learned APP opposes by submitting that from the impugned order it reveals that lacerated wound on right parietal region on skull, right ear and left knee on the informant was found and the opinion for injury no. 1 has been kept reserve.

Considering that the petitioner has assaulted the informant with iron rod on his vital part and the doctor has also found such injury on the person of the informant, as such, finding it not a fit case for pre-arrest bail, prayer of pre-arrest bail of the petitioner is hereby rejected.

(Jitendra Mohan Sharma, J)

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