

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47525 of 2015

Arising Out of PS.Case No. -251 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

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Wasim Haidar son of Haidar Ali resident of Village Tirbirwa, P.S. and
District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 30-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Gopalganj Town
P.S. Case No. 251 of 2015 dated 28.06.2015 instituted under
Sections 147/149/323/307/504 of the Indian Penal Code.

The allegation against the petitioner is of inflicting
'*farsa*' blow on the neck of the informant resulting in injury on the
head. Against the other co-accused the allegation is of flashing of
'*lathi*' and sword.

Learned counsel for the petitioner submits that there
is case and counter case and the incident is the result of a trivial
incident of rash driving. It is further submitted that there is also a

counter case being Gppalganj Town P.S. Case No. 253 of 2015 for the same incident and the petitioner has also received injury.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that even earlier the petitioner was involved in a case for offence punishable under Sections 323 and 324 of the Indian Penal Code and further that there is specific allegation against him which is corroborated by the injury report. It is further submitted that mere counter case will not give right to the petitioner to go on offensive and inflict the blows as has been alleged and also confirmed by the doctor in his injury report.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the court below, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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