

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42096 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

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1. Shatrughna Choudhary S/o Sita Ram Choudhary Resident of Village-
Ekmighat, P.S.-Bahadupur, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Opposite Party/s : Mr. Anil Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 13-10-2015

Heard the learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner, namely, Shatrughna Choudhary
who apprehends his arrest in Bahadurpur P.S. Case No. 136 of
2015 under Sections 147, 148, 149, 341, 323, 325, 342, 307,
224, 225, 332, 333, 353, 504, 506 and 188 of the Indian Penal
Code.

According to the First Information Report, the mob
more than 50-60 persons in the leadership of this petitioner
attacked on the S.I. namely Kusbuddin of Bhalpatti Police
Station. The petitioner assaulted on the head of the Kusbuddin
with iron rod, which was stopped by him, as a result of which
the left hand was broken. The other co-accused persons
assaulted him with lathi, causing injuries on head and near
eyes.

The learned counsel for the petitioner submitted

that other co-accused persons, against whom, there is allegation of assault by lathi on the head etc. have already been granted anticipatory bail by this Court in Cr. Misc. No. 33902 of 2015 and Cr. Misc. No. 41569 of 2015.

On the other hand, learned A.P.P. appearing on behalf of the State vehemently opposes the prayer for bail and submitted that in fact the case of the petitioner is on different footing than the co-accused persons, who have been granted bail. According to learned A.P.P. in the leadership of this petitioner the villagers attacked on the Sub-Inspector of Police and as a result of assault by iron rod the S.I. left hand was broken and the injury report supports the case of the prosecution. According to learned A.P.P. the assault was so hard that when he stopped the iron rod by left hand, his hand was broken.

Considering the nature of allegation against this petitioner and medical report that left hand of the A.S.I. has been fractured, which supports the prosecution case, I am not inclined to grant anticipatory bail to this petitioner.

Accordingly, this anticipatory bail application is rejected.

(Mungeshwar Sahoo, J)

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