

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12646 of 2016

Arising Out of PS.Case No. -607 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)
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Bachcha Kumar S/o Suresh Singh, R/o Village- Gaddopur, P.S.- Mahua,
District- Vaishali,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-04-2016 Heard the counsel for the petitioner and Mr. Dayal,

learned APP for the State.

The petitioner is cited as accused in the FIR vide Mahua P.S. Case No. 607 registered under section 308 IPC along with others. The allegation is that on account of construction/erection of a boundary wall, the accused persons, who are agnates, surrounded him and assaulted. There is specific allegation of causing injury by iron rod on the head of the informant by the petitioner.

The contention of the petitioner is that the injury sustained by the informant is simple in nature. One of the accused namely Suresh Kuer also lodged a case in relation to the occurrence of that day against the present prosecution side. Annexure-2 is the FIR in

this regard. All other accused persons have been granted anticipatory bail by the learned Sessions Judge under the impugned order.

Mr. Dayal, APP opposed the prayer and submitted that there is a specific allegation of assault by means of iron road on the head of the informant attributed to the petitioner.

Regard being had to the allegation and the corresponding injury sustained by the informant, I am not persuaded to extend him the privilege of anticipatory bail. Prayer is refused. In case the petitioner surrenders and prays for regular bail, the same shall be considered and disposed of on its own merit by the court below in accordance with law.

(Kishore Kumar Mandal, J)

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