

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46537 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -BAIRGANIA District- SITAMARHI

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MD. FAIYAZ Son of Md. Lal babu Resident of Village-Bhakurhar, P.S.
Bairgania, District-Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-12-2016 Heard both sides.

The petitioner apprehends his arrest in Bairgania P.S.
Case No. 61/2016, registered for the offences punishable under
Section 307 and other sections of the Indian Penal Code.

The informant S.H.O., Bairgania alleged that he went for
investigation of Bairgania P.S. Case No. 59/2016 and 60/2016, but
the petitioner along with other accused persons started putting
hurdle in the investigation of the aforesaid cases and also assaulted
the informant and others. Petitioner is alleged to have assaulted the
informant with lathi on his left leg.

Mr. Vikramdeo Singh learned counsel for the petitioner
submits that of course there is allegation against the petitioner, but
it appears that the informant was taking side of a particular person.



No offence under Section 307 of the Indian Penal Code is made out. At best an offence under Section 323 could be made out, but since the petitioner is alleged to have assaulted the S.H.O. Bairgania, of course, causing simple injury, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that simple injury was caused to the informant and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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