

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45580 of 2015

Arising Out of PS.Case No. -232 Year- 2015 Thana -KOTWALI District- PATNA

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Srawan Kumar @ Sharvan Kumar S/o Narwadesh Giri Residing in Gali
No. 1, Chiriyatar, P.S. Kankarbagh, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Srivastava

For the Opposite Party : Mr. T.P.Mandal (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 01-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection
with Kotwali P.S. Case No. 232 of 2015 pending in the Court of
CJM, Patna for the offences instituted under Sections 341, 323,
308 and 504 of the Indian Penal Code.

As per prosecution case, petitioner was booking clerk at
Auto stand. The petitioner travelled on the auto of informant.
However, refused to pay the fare and for that dispute, the
petitioner allegedly assaulted with *lathi* causing injury on the head
of the informant.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. Petitioner has falsely

been implicated in the present case due to mistake of fact. There was a previous enmity between the parties and hence the present case has been lodged. From perusal of the injury report, it would appear that the nature of injury has not been stated by the doctor.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and there is a direct allegation of assaulting the informant on the head.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order and if possible, the same may be disposed of on the same day.

(Sudhir Singh, J)

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