



IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7512 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -KADWA District-
KATIHAR

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Md. Salim, Son of Late Martoj Alam, Resident of Village –
Dariyapur, P.S. - Kadwa (Balial Belone), District - Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Musowir, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 17-03-2016 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

 This application, for grant of anticipatory bail,
arises out of Kadwa (Balial Belone) P.S. Case No.141 of
2015, disclosing offences under Sections 341, 324, 307,
504, 506/34 and 302 of the Indian Penal Code.

 Considering the fact that there is direct
allegation against the petitioner of causing assault on
the deceased, who was the informant herself, I am not

inclined to grant the petitioner the privilege of anticipatory bail.

Learned counsel for the petitioner has attempted to convince this Court that the deceased had lodged a case, under Section 498A of the Indian Penal Code, against her husband and other family members, alleging demand of dowry and repeated torture, but the husband has not been made accused in the present case.

That cannot be a ground, in my opinion, for grant of anticipatory bail to the petitioner, there being specific allegation in the First Information Report of assault made against the present petitioner.

Learned counsel for the petitioner further submits that after having caused such injuries, as alleged in the First Information Report, the informant could not have in proper mental status to make the allegation as made in the First Information Report.

I am not convinced by such submission for the purpose of consideration of anticipatory bail.

This application, for grant of anticipatory bail to the petitioner, abovenamed, is, accordingly, dismissed.

The petitioner is directed to surrender before

the court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned court below on its own merit, without being prejudiced by rejection of present application for grant anticipatory bail.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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