

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50880 of 2016

Arising Out of PS.Case No. -142 Year- 2016 Thana -GORAUL District- VAISHALI(HAJIPUR)

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Bikhari Paswan @ Bhikhari Paswan, S/o Late Mahavir Paswan, R/o Village Islampur, P.S. Goraul, District - Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Goraul P.S. Case No. 142 of 2016 for the offences instituted under Sections 341, 323, 324, 308 and 379/34 of the IPC.

The prosecution story, in brief, is that the petitioner assaulted the informant's husband with iron rod causing injury in his left hand.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The injury caused by the petitioner is not on the vital part of the body hence no offence under Section 308 IPC is made out. It is, at best,



a case under Section 325 of the IPC.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and specific allegation has been made against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Goraul P.S. Case No. 142 of 2016, pending in the court of learned C.J.M. Vaishali at Hajipur. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by the order of this Court taking into account the submissions made on behalf of the petitioner preferably on the same day.

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(Sudhir Singh, J)

