

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6876 of 2016

Arising Out of PS.Case No. -266 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Rajan @ Rajendra Choudhary Son of Late Shital Choudhary resident of
village - Khoza Danora, P.S. Rasalpur, Distt. - Bhagalpur

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Nand Kishore Pd.(APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 28-03-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is apprehending his arrest in connection with Kahalgaon (Rasalpur) P.S. Case No. 266 of 2015 instituted under Sections 147,148,149,323,307,504 of the Indian Penal Code and later on Section 302 IPC was also added.

The prosecution case, in brief, is that there was an altercation between Chotu, the cousin of informant and Anil Choudhary, son of the petitioner. The petitioner is alleged to have thrown Laxman Choudhary, uncle of the informant, on the ground with intent to kill him due to which he got injury in his head and ear and blood started oozing out from his left ear. The informant went to rescue him then the accused persons intended

to assault him. It is alleged that they assaulted Sukhdeo Choudhary on his hand. On hulla villagers assembled then they fled away. After that the informant and his family members took the uncle of the informant to police station.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and no weapon is said to have been used in the course of occurrence. The only allegation against the petitioner is that he had pushed the deceased on the ground. There is no allegation of repetition of blow against the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and there is specific overt act alleged against the petitioner.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. The prayer is, accordingly, rejected.

Anyhow, if the petitioner surrenders and pray for bail, the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on behalf of the petitioner.

(Sudhir Singh, J)

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