

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13042 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -DESARI District- VAISHALI(HAJIPUR)

Suresh Paswan S/o Late Yogendra Paswan, resident of Village-
Murauwatpur, Ambedkar Chowk, Kalijee Ka Mandir, P.S. Desari, District-
Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Mustaque Alam(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 14-07-2016 Heard Shri Bhola Prasad, learned counsel for the
petitioner and the learned APP for the State.

The petitioner apprehends his arrest in a case under
Section 307 and other Sections of the Indian Penal Code.

The informant alleged that in the midnight, the
petitioner entered into his house and assaulted him with lathi
which caused injury on the hand and head.

It is submitted that the occurrence took place in the
night of 5/6.5.2015 but the information to the police was given on
12.5.2015. The informant was never serious so that he did not
make any statement. It is submitted that petitioner happens to be
cousin of the informant. The informant got injuries somewhere

else and falsely implicated the petitioner on account of enmity. It appears that the case was lodged after six days of the occurrence but from perusal of the injury report, it appears that hand of the informant was found fractured and, he was under treatment in the hospital. Therefore, he could not file the police case.

On account of assault made by the petitioner, hand of the informant was broken. I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected in connection with Desari P.S. Case No.109 of 2015 pending in the court of Judicial Magistrate 1st Class, Vaishali at Hajipur. If the petitioner surrenders, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that on account of assault, hand was broken and dispose of the petition on its own merit.

(Prabhat Kumar Jha, J)

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