

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22828 of 2017

Arising Out of PS.Case No. -415 Year- 2016 Thana -RAJAUN District- BANKA

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Shankar Pandit Son of Late Devak Pandit , Resident of Village- Orakra,
P.S.- Rajaun, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Gopal Mishra

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 20-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Rajoun P.S. Case No. 415 of 2016 registered
for offences under sections 341, 323, 324, 307 and 504/34 of the
Indian Penal Code.

As per First Information Report, the petitioner has
entered into the room and started hurling abuses and gave Khanti
blow on the head of the Informant which led to injury and caused
bleeding.

Learned counsel for the petitioner submits that it is a
case of single blow, cannot be a case of Section 307 of the I.P.C.
especially when they are brothers.

While there was an interim order in favour of the



petitioner, the Informant along with the police has entered into the house and assaulted his son-in-law mercilessly and, for that, a complaint has been lodged to the Chief Judicial Magistrate, Banka.

Let the Chief Judicial Magistrate, Banka should consider the complaint and make an enquiry on the authenticity of the allegation.

In paragraph no.28 of the case diary, there is injury report which indicates number of injuries which are serious in nature.

In that view of the matter, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner, namely, Shankar Pandit is rejected.

If the petitioner surrenders before the court below and prays for bail, the court below will consider the same and pass orders in accordance with law without being influenced by this order and will also take into consideration that the compromise has been entered between the parties.

(Shivaji Pandey, J)

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