

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51511 of 2017

Arising Out of PS. Case No.-469 Year-2016 Thana- SASARAM NAGAR District- Rohtas

Arjun Sao @ Arjun, Son of Bishwanath Sao, resident of Village- Tejpura,
P.S.- Obra, District- Aurangabad. At present resident of Khaini Dukan, Barun,
P.S.- Barun, District- Aurangabad. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. SIR PRAMOD KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 15-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner apprehends his arrest in connection with
Sasaram Town (Tilouthu) P. S. Case No. 469 of 2016 registered
for the offences punishable under Sections 341, 323, 326, 307,
504/34 of the Indian Penal Code.

Allegedly, the wife of the informant told him to visit Gupta
Dham and with her co-accused Baijnath and petitioner were also
there and in the way to Gupta Dham all the three including the
petitioner caught the informant, tied his hands, legs and
assaulted him, pressed his mouth and the petitioner and Baijnath
cut the neck with sharp cutting weapon, resulting the informant
became senseless and then the three accused fled away. After
some times the informant regained his sense and then he went
to the near village and villagers informed Tilouthu Police and



then he was brought to primary health center Tilouthu and from where he was referred to Sadar Hospital, Sasaram.

Submission is of false implication and that the informant due to family dispute has lodged this case against his wife, the petitioner and co-accused. In the case diary there is no injury report as the injury report was not prepared by the doctor which is evident from paragraphs 19 and 37 of the case diary and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering the specific allegation against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him, accordingly, his such prayer stands rejected.

However, the petitioner, if so advised, surrenders and seeks regular bail before the learned court below, then his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order considering that co-accused Rajanti Devi has already been allowed bail.

(Jitendra Mohan Sharma, J)

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