

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3888 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Dilip Kumar Son of Sri Phoolena Singh, Resident of Village- Nadiyama,
P.S.- Ramgarh Chowk, Distric- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 23-02-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

Informant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Lakhisarai (Ramgarh
Chowk) P.S. Case No. 36 of 2016 for the offences punishable
under sections 341, 323, 504, 307, 406 and 34 of the I.P.C and
section 27 of the Arms Act.

Allegedly, the petitioner and other co-accused
assaulted on the head of the informant and his brother and the
petitioner gave rod blow on the brother of the informant on his
head with an intention to kill which hit on his left eye and temple.

Submission is of false implication and that the



petitioner has got no criminal antecedent, there is case and counter case between the parties, the injury found on the person of Phoolena Singh has not been explained, admittedly the informant and his brother came at the house of the accused persons to demand money and they are aggressor, no offence under section 307 of the I.P.C. is made out because there was no intention to kill and as such the petitioner deserves sympathetic consideration. In this case other co-accused Sanjeet Kumar has been allowed pre-arrest bail vide Cr. Misc. No. 50039 of 2016 and Deepak Kumar has been allowed pre-arrest bail vide Cr. Misc. No. 48791 of 2016.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that the injury report goes to show that grievous injury has been found caused by hard and blunt substance on the person of Binoy Singh, the brother of the informant which is annexed as Annexure-3 and for that injury the petitioner is responsible, the case of the petitioner is on different footing as the main allegation is against the petitioner.

In the facts and circumstances as stated above, considering that grievous injury has been found on the person of Binoy Singh who was assaulted by the petitioner by iron rod on his left eye and temple and as such I am not inclined to grant



privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Lakhsarai.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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