

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2606 of 2017

Arising Out of PS.Case No. -237 Year- 2015 Thana -KOTWALI District- MUNGER

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Shubham Kumar aged about 18 years son of Naresh Kumar Gupta, resident
of Topkhana Bazar near Excise Godown, P.S. Kotwali, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

For the Opposite Party/s : Mr. Smt. Reena Sinha

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

ORAL ORDER

2 25-01-2017 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 Kotwali P.S. Case No.
237 of 2015 for the offences punishable under sections 341, 323,
324, 504, 307 and 34 of the I.P.C.

The allegation against the petitioner is that he
assaulted with iron pipe to Madhuri Gupta, wife of the informant,
on her head causing rapture and she became unconscious and
thereafter after causing threats the petitioner and other co-accused
fled away.

Submission is of false implication due to the tenancy
dispute, the petitioner has not assaulted the informant, the wife of



the informant has received injury due to fall and the injury was found simple in nature and as such the petitioner deserves sympathetic consideration.

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 petitioner has assaulted Madhuri Gupta with iron pipe on her head with an intention to kill her and she became injured and unconscious, she was treated in Sadar Hospital, Munger and from there she was referred to Patna and then she was treated in the private hospital, she was in unconscious state and she was treated for five days.

In the facts and circumstances as stated above, considering that on the vital part the petitioner has assaulted with the iron pipe 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. Munger.

(Jitendra Mohan Sharma, J)

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