

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6821 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -JALALPUR District- SARAN

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Rajesh Rai son of Harendra Rai, resident of village- Sawari, P.S. Jalalpur,
District- Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Jalalpur P.S. Case No. 164 of 2016 for the offences instituted
under Sections 341, 323, 324, 307, 354, 379 and 34 of the Indian
Penal Code.

The allegation against the petitioner is assaulting the
informant by means of farsha on his head, causing head injury.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner has falsely been implicated in the present case. The
petitioner and the informant are co-villagers. The doctor has not
disclosed the nature of injury in the injury report. The allegation



is of single blow hence no offence under Section 307 of the Indian Penal Code is made out against the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of causing injury on the head of the informant. The injury report corroborates the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail of petitioner is rejected in connection with Jalalpur P.S. Case No. 164 of 2016, pending in the court of learned A.C.J.M.-IX, Saran at Chapra.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order, preferably on the same day.

(Sudhir Singh, J)

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