

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13192 of 2017

Arising Out of PS.Case No. -77 Year- 2016 Thana -POWAKHALI District- KISANGANJ

=====

KHASIUR RAHMAN S/o Late Sarffuddin, Resident of village - Basta,
P.S. Powakhali, District - Kishanganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate

For the Opposite Party : Mr. Ramchandra Sahani, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 29-03-2017

Heard.

The petitioner apprehends his arrest in connection with Powakhali P.S.Case No.77 of 2016 pending in the Court of CJM, Kishanganj registered for an offence under Sections 147, 148, 149, 323, 325, 307 and 379 of the IPC.

The informant in his written report has alleged that on the date of occurrence, this petitioner and fourteen others started constructing house over the public land which was opposed by the informant and others. Thereafter, this petitioner and other co-accused assaulted the informant and his family members. This petitioner assaulted by axe on the head of the sister of the informant causing injuries. They also entered into his house and took away cash amount besides some papers of land.



Learned counsel for the petitioner submits that the injured sustained injuries on account of falling on the ground at the time of scuffle for which a counter case has also been lodged from the side of the petitioner. He further submits that from the allegation and injuries no offence under Section 307 of the IPC is made out.

However, learned APP opposed the submission.

From the written report, it appears that there is specific allegation of causing assault by an axe on the head of the sister of the informant. The victim sustained depressed fracture on left side of frontal bone on head.

The prayer of anticipatory bail is, therefore, rejected.

(Sanjay Kumar, J)

B.Kr./-

U		T	
---	--	---	--

