

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.395 of 2018

Arising Out of PS.Case No. -244 Year- 2017 Thana -BARSOI District- KATIHAR

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Md. Mustaque Son of Md. Chaudhary Resident of Village-Rasole, P.S.-
Barsoi, (Kachna-O.P.) District-Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 17-01-2018 Heard both sides.

The petitioner apprehends his arrest in Barsoi (Kachana O.P.)P.S. Case No.244 of 2017 registered under Sections 147, 148, 323, 325, 307, 504 of the Indian Penal Code.

The informant alleged that flood water had entered into her house and that is why she and her family members along with others went near the State railway line. Informant alleged that the petitioner and others came and asked to vacate the place then the informant protested. Petitioner is alleged to have assaulted the informant and her husband with iron rod on her head.

The learned counsel for the petitioner submits that the allegations are false and concocted. Doctor has opined that the injury caused by sharp weapon whereas the petitioner is alleged to



have assaulted the informant with iron rod.

It appears that the petitioner is alleged to have assaulted the informant who is a lady with iron rod on her head. The informant did not allege that anybody else assaulted her. Doctor found the injury caused by sharp weapon but the injury is grievous in nature. The learned Addl. P.P. submits that assault was made by hand object on her head and the injury may appear to be caused by sharp weapon.

Considering the facts aforesaid and the fact that the petitioner is alleged to have assaulted the informant with iron rod on her head and the injury opined on her head to be grievous nature, I am not inclined to grant the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Prabhat Kumar Jha, J)

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