

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37454 of 2018

Arising Out of PS.Case No. -612 Year- 2016 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Prakash Kumar Son of Birendra Kumar @ Shivjee Rai Resident of Village - Lodipur, Ward No. 31, P.S. - Hajipur Town, District - Vaishali at Hajipur.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-07-2018

Heard the parties.

The petitioner seeks anticipatory bail in connection with Hazipur Town P. S. Case No. 612 of 2016, registered for offences punishable under Sections 448, 147, 148, 149, 341, 323, 352, 307, 504, 506, 302 of the Indian Penal Code and 27 of the Arms Act.

Earlier the prayer for bail was rejected vide order dated 21.09.2017 passed in Cr. Misc. No. 44307 of 2017.

Allegation against the petitioner is that he assaulted with iron rod on the head of the father of the informant, causing injury and during treatment, he died.

Submission of the learned counsel for the petitioner is



that as per FIR, the occurrence was taken place at 8:00 pm whereas the injury report shows that he was treated in Sadar hospital at 5:20 pm, which falsify the prosecution case.

From perusal of the record it appears that the court below has cited so many paragraphs, which shows the complicity of this petitioner and earlier prayer for bail was also rejected. In this way no doubt there was discrepancy in timing of the occurrence and treatment. This is not proper to make any comment on that at this stage and this prayer for bail had already been rejected.

In view of the facts and circumstances discussed above, let the petitioner, above named, I am not inclined to grant bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected with a direction to the petitioner to surrender before the Court below and makes prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

With the aforesaid observation, this application is dismissed

(Vinod Kumar Sinha, J)

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