

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60809 of 2018

Arising Out of PS. Case No.-19 Year-2017 Thana- BHAPTIAHI District- Supaul

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Ram Vilash Malakar @ Buchchu Malakar S/o Late Dhanuklal Malakar,
resident of Village+ P.S.- Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-11-2018 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Bhaptiyahi P.S. Case No.19 of 2017, registered for the offences punishable under Sections 341/323/324/ 307 / 427/504/506/34 of the Indian Penal Code.

For land dispute there is case and counter case between the parties. Specific allegation against the petitioner is of commission of injury with Axe at the head of the brother of the informant. The doctor has found simple laceration at the head of the brother of the informant.

Submission is that there is no allegation of repetition of blow. Axe is a weapon of cutting. Hence, laceration is not possible. Moreover, there is case and counter case. Brother of



the informant might have sustained injury by fall.

Considering the fact that the petitioner had knowledge that his act might cause death, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner, the prayer for regular bail shall be disposed of without being prejudiced by the order of this Court and considering the facts and circumstances as discussed above.

(Birendra Kumar, J)

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