

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6763 of 2018

Arising Out of PS. Case No.-354 Year-2017 Thana- JAGDISHPUR District- Bhagalpur

Subhash Sah, Son of Ucheshwar Sah, Resident of Village- Babhangawan,
P.S.- Goradih, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Shri Bachan Jee Ojha
For the Opposite Party/s :	Sri Rajesh Kumar, APP
	Shri Tarun Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-02-2018 Heard Shri Bachan Jee Ojha, learned counsel for the petitioner, learned Additional Public Prosecutor as well as Shri Tarun Kumar Sinha, learned counsel, who has voluntarily appeared on behalf of the informant.

The sole petitioner, apprehending his arrest in Jagdispur (Goradih) P.S. Case No. 354 of 2017 registered for the offence under Sections 341, 147, 148, 149, 323, 324, 307, 504, 506 of the Indian Penal Code, 1860 has prayed for grant of bail in the event of his arrest or surrender primarily on the ground that number of other accused persons almost in similar circumstances have been granted privilege of anticipatory bail. He submits that two



accused namely Jaynt Kumar @ Jantu Kumar and Niroj Mandal were granted anticipatory bail on 16.01.2018 vide Cr. Misc. No. 759 of 2018 and other four accused persons Gocho Mandal, Sarun Mandal, Umesh Tanti @ Umesh Mandal @ Umesh Kumar Mandal and Pairu Mandal @ Parsuram Mandal were granted anticipatory bail on 31.01.2018 vide Cr. Misc. No. 58310 of 2017. He further submits that though there is allegation against the petitioner that he gave Axe blow on the head of the informant and during examination the said injury was found simple in nature and as such he makes a prayer for granting anticipatory bail.

Shri Tarun Kumar Sinha, learned counsel for the informant by way of referring to the injury report i.e. Annexure '2' to the petition submits that the injury on the brain was noticed as grievous.

Besides hearing, I have also perused the materials available on record particularly the FIR in which there is specific accusation that petitioner had given Axe blow on the head of the informant. Whether it was simple or grievous it hardly matters, in any case, it cannot be a case for grant



of anticipatory bail. So far other accused who have been granted anticipatory bail is concerned, their cases are not exactly similar to the case of the petitioner.

The petition stands dismissed.

(Rakesh Kumar, J)

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