

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44829 of 2018

Arising Out of PS.Case No. -140 Year- 2017 Thana -SONBERSA District- SAHARSA

=====

1. Chandeshwari Sharma S/o Babuan Sharma, R/o Vill.- Mangnama, Ward
No. 6, P.S.- Sonbarsa Raj (Kashnagar O.P.), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioner No. 2 and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered
under Sections 147, 149, 341, 323, 224, 307, 379 of the Indian
Penal Code.

Allegation against the petitioner is of assaulting the informant
with Khanti.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Single
Khanti blow is said to have been given on the informant by the
petitioner. There is no repetition of blow. Hence, no offence u/S
307 of the Indian Penal Code is made out. There is case and



counter case between the parties. A free fight is alleged to have taken place between the parties. The petitioner had no intention to cause any injury to the informant.

On behalf of the State, it is submitted that the petitioner is named in the FIR. Specific allegation of assault has been levelled against the petitioner. The nature of injury is grievous.

Considering the aforesaid facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner filed in connection with Sonbarsa Raj (Kashnagar O.P.) P.S. Case No. 140 of 2017 is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

A.K.V./-

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

