

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.385 of 2018

Arising Out of PS.Case No. -77 Year- 2017 Thana -PIPRAHI District- SHEOHAR

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1. Rajesh Rai @ Rajesh Kumar, Son of Ram Ginish Rai, Resident of Village-Amba Ojha Tola, P.S.-Piprahi, District-Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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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 Piprahi P.S. case No. 77 of 2017 for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that on 29.05.2017 he got information from Prem Babu, S. I. of Piprahi P.S. that S.H.O. called him. While the informant was going to Piprahi P.S. the petitioner and other accused persons surrounded him. Rajesh Rai, the petitioner, is alleged to have assaulted the informant with iron rod on his head and the informant got injuries on his head. Munnu Rai assaulted the informant with bamboo stick causing cut injury on his hand. Other accused persons also assaulted the informant.

The learned counsel for the petitioner submits that there is counter version being Piprahi P.S. case No. 80 of 2017. The petitioner earlier lodged Piprahi P.S. case No. 6 of 2005 against the informant. It is further submitted that informant was treated in P.H.C. Piprahi and the doctor opined that the injuries are



simple in nature. However, the doctor advised for C.T. scan and wrote that final report shall be given after obtaining C.T. scan report. The informant did not present himself in Sadar Hospital, Sheohar. The informant got the C.T. scan report from a private clinic and the doctor opined that there is boni-lesion and, accordingly, reported that injury to be grievous in nature.

The learned counsel for the informant as well as the learned A.P.P. opposed the prayer for anticipatory bail. It is submitted that petitioner has got criminal antecedent and he is accused in two other criminal cases, i.e., Piprahi P.S. case No. 38 of 2009 and Piprahi P.S. case No. 96 of 2014.

From the facts it appears that there is specific allegation against the petitioner that it was he who assaulted the informant with iron rod on his head. The informant lodged the case on the date of occurrence itself. The doctor, of course, gave tentative opinion with regard to the injuries and opined the injuries to be simple in nature but wrote on injury report itself for obtaining C.T. scan report which shows that there was boni-lesion and the injury found on head is grievous in nature.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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