

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39606 of 2018

Arising Out of PS.Case No. -64 Year- 2018 Thana -CHAPRA TOWN District- SARAN

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1. Arvind Kumar S/o Late Shankar Narayan Prasad, resident of Mohalla-Shri Nandan Road, P.S. Chapra Town, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manindra Kumar

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 09-07-2018

Heard both sides.

The petitioner apprehends his arrest in Chapra Town P.S. case No. 64 of 2018 for the offences punishable under Section 341, 323, 379, 307/34 of the Indian Penal Code.

The informant alleged that while he was at his shop his brothers Ram Kumar and Arvind Kumar, the petitioner, came and abused him. They asked him to close his shop. The informant further alleged that both the brothers started assaulting the informant with Lathi but in the meantime the petitioner took out knife from his pocket and assaulted the informant with knife on his head. Ram Kumar took out Rs. 1700/- from the possession of informant.

The learned counsel for the petitioner submits that



petitioner is own brother of informant. There is some land dispute with regard to partition of property after the death of father of petitioner and informant. Ram Kumar has already been granted anticipatory bail. It is further submitted that allegation of assault with knife is false and concocted. The true facts are that some altercation took place among the brothers in which the informant fell down and got injuries from the tools of carpenter but it appears from the FIR itself that there is specific allegation against the petitioner that it was the petitioner who assaulted the informant with knife on his head and corresponding incised wound on left side of occipital was found. Of course, the injury is opined to be simple in nature but since the petitioner stabbed his own brother with knife on head, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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