

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23220 of 2019

Arising Out of PS. Case No.-313 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

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Ashok Sadai S/o Subodh Sadai, Resident of Village- Bakshi, P.S. and District-
Madhubani.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Madhubani Town P.S. Case No. 313 of 2018 (CRI No. 1802 of 2018) registered for the offences punishable under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner and the informant have got some land dispute. The allegation is that the accused persons came to the house of the informant abused his uncle Shivam Kumar Jha and when the informant wanted to stop the quarrel then this petitioner assaulted him by a Farsha with an intention to kill him. The



informant got a head injury and thereafter he was assaulted by Lathi-Danda.

It is submitted on behalf of the petitioner that the injury found on the head of the informant has been reported simple in nature.

Learned APP for the State has opposed the prayer for bail. It is submitted that the allegation against the petitioner gets corroborated from the injury report showing that there was a skin deep injury by sharp cutting weapon.

Considering the facts and circumstances of the case, since in the case diary it has come that the condition of the informant was found to be critical and he was unconscious due to the alleged injury and he was brought to the doctor, this Court is not willing to extend the benefit of anticipatory bail to the petitioner.

In case the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, his prayer of regular bail shall be considered by the court below without being prejudiced by the order of this Court and the prayer for regular bail shall not be refused only on the ground that this Court had not granted anticipatory bail to the petitioner because the parameter for a regular bail is quite



different. While considering the prayer for regular bail, the court below shall also keep in mind that there seem to be a land dispute between the parties.

(Rajeev Ranjan Prasad, J)

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