

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61357 of 2018

Arising Out of PS. Case No.-41 Year-2018 Thana- KATRAHA District- Vaishali

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Upendra Rai S/o Late Shakhi Rai, Resident of Village- Gurmiya, P.S. Kartaha,
District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 28-01-2019 Heard the learned counsel for the petitioner, the

informant and the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Kartaha P.S. Case No. 41 of 2018
dated 03.06.2018 instituted for the offences under Sections
147, 148, 341, 323, 324, 307, 504, 506 of the Indian
Penal Code.

It has been submitted on behalf of the petitioner
that several persons are alleged to have assaulted the
informant and others but nothing specific has been attributed
against anyone of the accused persons including the
petitioner. It has further been submitted that though the
petitioner is alleged to have given a blow on the husband of



the informant by means of a thick wooden implement but it has not been specified as to on which part of the body did the assault take place. It has also been submitted that the same informant had earlier filed a case against the petitioner for a dispute regarding construction of a roof which touches the parapet of the house of the informant. The injuries on the person of the husband of the informant was initially found to be simple but opinion with respect to two injuries were kept reserved. Later, the opinion was given and the aforesaid two injuries on his head were found to be grievous in nature as there were multiple blood lesion found in the parietal region. There is counter version of the occurrence also as has been stated by the learned counsel for the petitioner.

The learned counsel for the informant, however has submitted that there is specific accusation against the petitioner of having assaulted the husband of the informant with a thick wooden implement, leading to grievous injuries.

Regard being had to the specific nature of accusation against the petitioner and the corresponding two



injuries which have been opined to be grievous, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the Court below and prays for regular bail, the Court below shall take into account that the occurrence took place in the background of enmity and that the earlier case against the petitioner was also lodged by the informant. The Court below shall also take into account that all other accused persons have been granted anticipatory bail and thereafter shall pass orders in accordance with law without being prejudiced by the fact that the present petition for anticipatory bail has not been entertained.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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