

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66771 of 2018

Arising Out of PS. Case No.-49 Year-2017 Thana- RASULPUR District- Saran

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Nanhe Rai S/o Late Bishwanath Rai, R/o Village- Madhopur, P.S.-
Rashulpur, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Upendra Pratap Singh
For the informant :	Mr. Ashok Kumar, Adv
For the Opposite Party/s :	Mr.J.K.Singh,APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341. 323. 324, 504, 308/34 IPC registered in
connection with Rashulpur P.S. Case No. 49 of 2017.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of land dispute between the petitioner
and the informant who are the uncle and nephew respectively. The
injury report discloses lacerated wound on the frontal scalp which
does not support the accusation of assault with 'sambal' (Khanti).

4. Learned APP assisted by learned counsel for the
informant appearing *suo motu* opposes the anticipatory bail petition.
It is pointed out on behalf of the informant that the petitioner is
having one criminal antecedent from before, but it has not been
disclosed by the petitioner. A supplementary affidavit has been filed



today in which it is stated that owing to mistake and lack of knowledge the criminal antecedents of the petitioner could not be stated. It has been mentioned that one prior case in Rasulpur P.S. Case No. 50 of 2002 under Section 302 and allied Sections of the Indian Penal Code is pending against the petitioner.

5. Learned APP further submits that the petitioner is said to have assaulted the informant on the head with 'sambal' (Khanti) and the injury report discloses injury on the head of the informant, which is vital part of the body.

6. Having regard to the nature of accusation, gravity of offence alleged as well as the criminal antecedents of the petitioner, which the petitioner fails to state in his petition, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Bail petition stands dismissed.

(Vikash Jain, J)

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