

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42624 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- KOILWAR District- Bhojpur

Pritam Narayan Singh Son of late Brahm Narayan Singh Resident of Village -
Dumaria, P.S.- Koilwar, Distt – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the State : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the informant who has *suo motu* appeared.

2. The petitioner apprehends arrest in connection with Koilwar PS Case No. 117 of 2019 dated 09.04.2019 instituted under Sections 341/323/307/379/354A/354B/34 of the Indian Penal Code.

3. The allegation against the petitioner is of assault on the informant and her husband.

4. Learned counsel for the petitioner submitted that he is the elder brother of the husband of the informant and there is dispute going since long and also there is a history of case and



counter case and in the present case also there is a counter case. It was submitted that the assault is alleged to have been made indiscriminately whereas only two injuries have been found by the doctor. It was submitted that the informant's party had in fact assaulted and in defence there may have been some skirmish and the wound inflicted on the informant and her husband is due to preventive measures taken by way of defence by the petitioner against the assault made by them.

5. Learned APP and learned counsel for the informant submitted that due to initial wrong reporting by the Doctor, a Board was set up in the Indira Gandhi Institute of Medical Sciences, Patna which has found that there was fracture in the inner ear leading to loss of hearing. It was submitted that the assault being serious, the petitioner may not be granted privilege of pre-arrest bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.



8. If the petitioner appears before the Court below and prays for bail, the same shall be considered on its own merits without being prejudiced by the present order.

9. The interim protection granted to the petitioner by order dated 25.10.2019 stands withdrawn.

(Ahsanuddin Amanullah, J)

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