

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50040 of 2019

Arising Out of PS. Case No.-277 Year-2019 Thana- KHAGARIA District- Khagaria

PINKESH SAW @ PINKESH KUMAR @ PINKESH SAH Son of
Balkeshwar Sah @ Bal Keshwar Singh Resident of Village- Rani Sakarpura,
Police Station- Gangaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Khagaria (Gangaur) P.S. Case No.277 of 2019 registered
under Sections 341, 448, 504, 506, 323, 337, 338 and 307/34 of
the Indian Penal Code, pending in the court of the Chief Judicial
Magistrate, Khagaria.

The accusation is that 7 persons, named in the F.I.R.,
including the petitioner along with four unknown came at the
house of the informant Chinta Devi and started to abuse. When
the informant made protest, then Vinod Sah caused blood
oozing injury on her head by pelting brick. On the alarm being
raised by the informant when her son Dhiraj Kumar came to



save the informant, then this petitioner caused blood oozing injury at the forehead of the son of the informant by pelting brick.

Learned counsel appearing on behalf of the petitioner submits that due to dispute relating to the path, the occurrence of “Maar-Peet” took place between the parties in which both parties pelted brick on each other and regarding the same occurrence, on the basis of the fardbeyan of the petitioner, Khagaria (Gangaur) P.S. Case No.273 of 2019 was also instituted against the husband and son of the informant and others. Further submission is that the present case was lodged after 17 days of the alleged occurrence.

From perusal of the order dated 28.06.2019 passed in A.B.P. No.419 of 2019 by the court of the Additional Sessions Judge-V, Khagaria, whereby the prayer of the petitioner for grant of pre-arrest bail has been rejected, it appears that the injury as found on the person of the informant and her son is grievous in nature.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of



anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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