

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71346 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- PATORI District- Samastipur

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Pashupatinath Jha @ Chunchun Jha Son of Late Bindeshwar Jha Resident of
Village - Keshonarayanpur Tola Khanua, P.S. - Shahpur Patori, Distt -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.

Mr. Arya Achit, Adv.

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-12-2019 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection
with Patori P.S. Case No. 268 of 2019 for the offence punishable
under Sections 147, 149, 341, 323, 324, 307, 354, 504 and 506
of the Indian Penal Code.

The allegation of the prosecution is that while the
informant of this case, namely, Siyaram Jha was getting the
mango plucked inside his campus on the alleged date and time
of occurrence, he saw that the petitioner and co-accused person,
namely, Prabhat Kumar Jha had come there and told the
informant not to pluck the mangoes, whereupon the informant is
said to have told them that he was plucking the mango from the



trees situated in his land, however, the said two accused persons started abusing the informant and upon alarm being raised, the son of the informant had also arrived there. It is further alleged that the petitioner had assaulted the son of the informant, namely, Manish Kumar on his head by *Kudal* (spade) resulting in the son of the informant receiving grievous injuries. Thereafter, the other accused person had assaulted the son of the informant by means of iron rod.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and is having a clean antecedent and he is also a respectable person of the village, hence he should be granted the privilege of anticipatory bail.

I have heard the learned counsel for the petitioner and gone through the materials available in the case diary, which was called for by this Court by an order dated 20.11.2019. It is apparent from the materials on record that there is direct allegation upon the petitioner of having assaulted the son of the informant on his head resulting in him being inflicted with grievous injuries, which is apparent from paragraph no. 47 of the case diary.

Having regard to the gravity of the offence and the



seriousness of the injuries inflicted upon the person of the son of the informant, which are attributable to the petitioner as well, I am not inclined to grant anticipatory bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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