

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76512 of 2019**

Arising Out of PS. Case No.-67 Year-2016 Thana- SHRI NAGAR District- Madhepura

PANKAJ SAH Son of Ganesh Sah Resident of Village-Madhubani, Ward
No.8, P.S.-Srinagar, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma
For the Opposite Party/s : Mr.Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 11-12-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Srinagar PS case no. 67 of 2016 registered
for the offences punishable under Sections 341, 323, 324, 325,
354, 379, 504/34 379 and 3/4 of Dyne Act.

The allegation of the prosecution is that when the
informant had come out of her house and was going to throw the
garbage in the field situated in front of the door of her house, on
the alleged date and time of occurrence, the petitioner along
with co-accused persons had arrived there, whereafter they had
started abusing the informant. It is further alleged that upon the
direction of co-accused Dev Narayan Sah, the petitioner herein
had attacked the informant with *dabia* on her head with the



intention to kill her, however the informant is stated to have received head injury on the right side and her finger was also cut while she was trying to save herself. Thereafter, the accused persons are said to have assaulted the informant and when her husband had come to rescue her, he was also assaulted by the accused persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner is having a clean antecedent and co-accused namely Ganesh Sah has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 18.03.2017 passed in Cr.Misc. no. 10337 of 2017.

I have heard the learned counsel for the parties and perused the materials on record. I find from the impugned order dated 08.02.2017 that grievous injuries have been inflicted upon the informant by the accused persons including the petitioner herein, which is clear from the injury report perused by the learned court below which is recorded in second-last paragraph of the said order dated 08.02.2017. The allegation of assault by the petitioner herein on the person of the informant with *dabia* stands corroborated from the said injury report.



Considering the facts and circumstances of the case and considering the grievousness of the injury sustained by the informant on account of assault by the petitioner on her as also taking into account the fact that *prima facie*, complicity of the petitioner has been found in the alleged incident/ occurrence, I am not inclined to grant anticipatory bail to the petitioner herein, accordingly the present petition stands dismissed.

(Mohit Kumar Shah, J)

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