

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13896 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

SANTOSH PANDEY Son of Damoder Pandey Resident of Village -
Gimhiyan, P.S.- Kasthri, Dist.- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Durgawati
P.S. Case No. 126 of 2019 registered under Sections 447, 323,
341, 324, 504, 506, 325, 307 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that accused
persons in drunken state created chaos and when the informant
protested, he was assaulted by accused persons due to which the
informant sustained injuries.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to land dispute. As per the allegation, the petitioner is said to have caused injury upon the informant Santosh Kumar. As per the injury report, the injury caused by the petitioner is injury no. 1 and the same is grievous in nature. At best, it is an offence under section 325 IPC and no offence under section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is specific allegation of assault alleged against him causing grievous injury upon the informant.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner. The prayer is rejected. If the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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