

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12201 of 2020

Arising Out of PS. Case No.-62 Year-2019 Thana- VISHNUPAD District- Gaya

Vinay Lal Dhokri @ Vinay Lal Son of Vishnu Lal Dhokri Resident of
Mohalla - Panchmahalla, Krishna Dwarika, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the informant	:	Mr. Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-08-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant
through video conferencing.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Vishnupad P.S. Case no. 62 of 2019 registered under
sections 307, 341, 323, 324, 325, 379, 504 and 34 of the Indian
Penal Code.

As per allegation in the FIR, it is stated by the
informant that while he was conducting puja in the temple the
accused persons including the petitioner herein gathered,
variously armed. It is stated that on the orders of Nandu Lal
Dhokri, the other accused persons caught hold of the informant
and the three accused persons including the petitioner herein are



stated to have assaulted the informant. Besides Nandu Lal Dhokri, the petitioner is also stated to have assaulted the informant on his head with an iron rod.

It is submitted by learned senior counsel appearing for the petitioner that the occurrence as alleged has taken place over a trivial dispute relating to 'jajmani' over puja in the Vishnupad Mandir in Gaya. It is submitted that the injury report of the informant does not support the allegation as levelled in the FIR for the reason that while Nandu Lal Dhokri and the petitioner are alleged to have assaulted the informant on his head and one co-accused is alleged to have assaulted on his chest, from the injury report brought on record as Annexure-4 series, it would transpire that only one injury has been found on the left side of the forehead and besides the said injury the informant has complained of pain on the back of head. It is further submitted that the petitioners side also sustained injury, the FIR was registered which is Annexure-2 to the petition and the injury reports contained in Annexure-4 shows the nature of injury as being grievous.

The application for bail is opposed by learned counsel for the State and the informant. It is submitted by learned counsel for the informant that from the supplementary



injury report which is part of Annexure-4 to the petition it would transpire that the informant has sustained fracture of the left frontal bone of the skull which has been opined to be grievous in nature. He further submits that although the injury on the side of the petitioner is on the forearm being in the ulna, however, the application for bail moved by them has been rejected by this Court in Cr. Misc. no. 40666 of 2019.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and taking into consideration the allegation in the FIR of the petitioner having assaulted the informant with an iron rod on his head together with the injury found in the supplementary injury report, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such his application for bail is rejected. In case the petitioner surrenders in the Court below within a period of six weeks, the application for bail of the petitioner shall be considered without being prejudiced by this order of rejection.

Prakash/-

(Partha Sarthy, J)

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