

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16213 of 2020

Arising Out of PS. Case No.-364 Year-2019 Thana- ROSERA District-
Samastipur

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Pankaj Kumar S/o Suresh Mandal R/o village- Khairalapur, P.S.-
Rosera, District- Samatipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the State : Mr.Akshay Lal Pandit

For the Informant : Mr. Anshudhar Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-10-2020 Heard learned counsel for the petitioner, learned
A.P.P. for the State as well as learned counsel for the
informant through video conferencing.

The petitioner apprehends his arrest in Rosera P.S.
Case No. 364 of 2019 registered for the offence under
Section 307 & other allied sections of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged
to have given spade blow on the head of informant's husband,
as a result of which, he fell down. Thereafter, it is alleged that



co-accused Vijay Kumar gave spade blow on informant's husband and badly injured him. It is further alleged that when *devar* of informant came to save his brother, he was also assaulted by co-accused Suresh Mandal with rod on his nose.

It is submitted on behalf of petitioner that alleged occurrence is said to have taken place on 23-10-2019, but the FIR has been lodged on 04-11-2019 and there is no plausible explanation for delayed lodging of FIR. It is further submitted that both parties are own agnate and they are *pattidar* and due to some scuffle, simple *maarpit* took place and both sides sustained injury. Petitioner has clean antecedent.

However, learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail application and submitted that on perusal of injury report (Annexure -2), it is apparent that the doctor has also found the injury to be grievous in nature caused by hard and blunt substance.

Considering the aforesaid facts and circumstances and the fact that the injury caused to the husband of informant is grievous in nature and there is specific allegation of assault by spade against petitioner, I am not inclined to grant anticipatory bail to the petitioner.



Accordingly, the anticipatory bail application of
petitioner stands rejected.

(Prabhat Kumar Singh, J.)

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