

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24714 of 2020

Arising Out of PS. Case No.-100 Year-2020 Thana- JAMUI District- Jamui

MURARI PRASAD KESHARI Son of Late Ramchandra Prasad Keshari
Resident of Village- Maharajganj, Ward No. 22, P.S. and District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
Mr. Sanjay Kr. Sharma, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Jamui P.S. Case No. 100 of 2020, registered under sections 308, 341, 323, 379, 427, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that his brother, the petitioner herein was having an illicit relationship with his wife. It is further stated that on the informant trying to reason with his brother, the accused persons including the wife of the informant's brother assaulted him. It is stated that the petitioner herein assaulted with a stick hitting his other brother Tripurari Prasad Kesari causing injury on his head



as a result of which he fell down unconscious.

It is submitted by learned counsel for the petitioner that from reading of the FIR itself, the allegation is trivial in nature and it was in the settlement of minor family dispute, that the other brother Tripurari Prasad Kesari was pushed and sustained injury on his head as a result of falling down. The allegations as narrated in the FIR are incorrect. Further referring to supplementary affidavit, it is submitted that there is large number of pending litigations between the parties and in course thereof several informatory petitions have been filed by the petitioner against the informant apprehending false implication in case. The said apprehension has come true by false implication of the petitioner in the instant case. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Case diary called for in the case has been received.

Having gone through the facts and circumstances of the case, I find that there is specific allegation against this petitioner of having assaulted Tripurari Prasad Kesari on his head with a stick and from the injury report of Tripurari Prasad Kesari available in the case diary, the said injury has been found



to be grievous in nature caused by hard and blunt object. Thus, the Court is not inclined to enlarge the petitioner on anticipatory bail and, as such, the same is rejected.

However, in the facts and circumstances of the case, the dispute being amongst the family members, in case the petitioner surrenders within a period of eight weeks and prays for bail, the same shall be considered without being prejudiced by this order of rejection.

sushma/-

(Partha Sarthy, J)

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