

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23527 of 2020**

Arising Out of PS. Case No.-27 Year-2020 Thana- RAUTARA District- Katihar

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Lutfur @ Md. Lufur, S/o Md. Yasin, R/o village- Danipur, P.S.- Rautara,
District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-10-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed by the Stamp Reporter within

three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Rautara P.S. Case No. 27 of 2020 registered

for the offences punishable under Sections 341, 323, 307,

504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the

present case the allegation against this petitioner is that on

account of a dispute over irrigation in the land this petitioner

had given a spade blow on the head of the husband of the



informant.

It is his submission that there is a counter case as well and the counter case has been lodged by one Rozina Khatoon, wife of Md. Khalil in which she has alleged that the injured of the present case along with Md. Saiful has indulged in abuse and assault and in the said assault the husband of the informant got injured whereafter he was taken to Sadar Hospital, Katihar where he is being treated. It is, thus, his submission that considering the counter case, this Court may grant privilege of anticipatory bail to this petitioner.

On the other hand, learned A.P.P. for the State has pointed out that in this case the specific allegation, the manner of occurrence and the weapon used by the petitioner are getting corroborated from the injury report which is Annexure '2' to the present application. It shows incised wound and there is a fracture of left basis frontal bone including wall of left frontal sinus. The brief history of how the injury was caused as told by the injured person is also recorded in the injury report, the injury is grievous in nature whereas the counter case (Annexure '2') has been lodged four days after this case and though the informant of the said case alleges that the occurrence is of 06.04.2020 but as it appears admittedly the same was not



brought to the notice of the Police Station nor the statement of the injured was recorded by the Police in the Sadar Hospital.

Having regard to the facts and circumstances of the case, there being specific allegation against this petitioner, the manner and mode of attack on the informant's husband getting support from the medical examination report (Annexure '2') and the injury is being grievous in nature whereas the counter case has been lodged after four days, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer is refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

