

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76796 of 2019

Arising Out of PS. Case No.-228 Year-2019 Thana- BIRAUL District- Darbhanga

SHRAWAN ACHARYA Son of Ramautar Acharya Resident of Village-
Baliya, P.S.- Biraul, District- Darbhanga.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Krishna Kumar, Advocate.
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.
For the Informant	:	Mr. Subhash Kumar Jha, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 23-11-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State as also the learned counsel for the
informant, through Video Conferencing.

The petitioner apprehends his arrest in connection
with Biraul P.S. Case No.228 of 2019 registered under Sections
341, 323, 354B, 307, 379, 504 and 506/34 of the Indian Penal
Code, pending in the court of the Additional Chief Judicial
Magistrate, Biraul, Darbhanga.

The accusation is that on 17.08.2019 at about 07.30
P.M., the informant Murari Acharya proceeded from his house
for Supaul Market along with his mother Nirmala Devi for the
treatment of his mother. When the informant along with his
mother reached at the orchard, near the Railway Station Biraul,



then Shrawan Acharya (petitioner), Amit Kumar Acharya, Gautam Kumar Mishra and 3 unknown surrounded them and, thereafter, this petitioner gave Tengari blow at the head of the informant, due to which the informant fell down sustaining blood oozing injury and then others also caused injury to him. At that time, Amit Acharya gave the rod blow at the mother of the informant, due to which she fell down. Thereafter, Gautam Kumar Mishra snatched the gold chain from the neck of the mother of the informant and Amit Kumar Acharya snatched the earring of the mother of the informant. The unknown persons snatched the cash Rs.2000/- from the pocket of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner and the informant are co-villagers and due to dirty village politics, the petitioner has falsely been implicated in this case. While it is alleged in the F.I.R. that the occurrence took place on 17.08.2019 but it would appear from the injury report of the informant, which is available in the case diary, that the informant was admitted at P.H.C., Biraul, Darbhanga, on 17.07.2019 vide Registration No.EMBO5547.

From perusal of the case diary, it appears that out of the four injuries of the informant, three injuries are simple in nature, whereas Injury No.(1), which is incised wound on scalp,



is grievous in nature. While the injury report of the informant is dated 17.07.2019 but the date of the injury report related to the mother of the informant is corrected as 17.08.2019

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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