

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 78995 of 2019

Arising Out of PS. Case No.-361 Year-2019 Thana- SONEPUR District- Saran

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Mithilesh Rai @ Mithilesh Kumar, aged about 21 years, Male, son of Late Umesh Rai, Resident of Village Murthan, Police Station-Sonepur, District Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 25-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Vijay Kumar Srivastva, learned counsel for the petitioner and Mr. Md. Mushtaque Alam, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Sonapur PS Case No. 361 of 2019 dated 24.05.2019, instituted under Sections 341/323/325/379/307/504/34 of the Indian Penal



Code.

4. The petitioner, along with two others, is accused of assaulting the informant's son and another person and also the informant when he tried to intervene.

5. Learned counsel for the petitioner submitted that he has been falsely implicated. It was submitted that the wound on the son of the informant as well as the informant has been found to be simple in nature and further that though the informant has alleged that he was assaulted on the head, no injury has been found on the head. It was submitted that the other victim has received grievous injury. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that the submission of learned counsel for the petitioner is incorrect inasmuch as, the injury report discloses one lacerated wound on the skull of the informant, injury on the son of the informant and grievous injury on the other victim also, and, thus, the allegation in the FIR stands fully corroborated. It was further submitted that in the order of the learned 4th Additional Sessions Judge, Saran at Chapra dated 02.08.2019 in ABP No. 1812 of 2019, by which the prayer for anticipatory bail of the petitioner has been rejected, it has been stated that co-accused Dipu Kumar Rai has



been granted regular bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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