

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2328 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- CHHATAPUR District- Supaul

1. Md. Naushad Son of Late Md. Ahshanul Resident of Village - Indarpur Ward No. 12, P.S.- Chhatapur, District- Supaul
2. Md. Shamshad Son of Late Md. Ahshanul Resident of Village - Indarpur Ward No. 12, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 22-06-2020 This matter has been taken up through Video Conferencing.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No.254 of 2019, registered for the offences punishable under Sections 147/148/149/ 341/ 323/307/354A/379 of the Indian Penal Code.

According to FIR, the petitioners allegedly assaulted, with farsa and sword to the husband of the informant, during the occurrence of assault. There is case and counter case.

Learned counsel for the petitioner submits that the



injury report is not consistent with the prosecution allegation as the doctor has not found any sharp cut wound on the person of the husband of the informant. The injured is not specific as to who had assaulted him; rather he has stated before the police that seven persons assaulted him.

The doctor has found two lacerated wounds at the head of the husband of the informant caused by hard and blunts substance. The doctor is expert of injury and not the expert of weapon. Laceration is possible by the weapon used.

Since the petitioners had knowledge that their act might cause death, I am not inclined to grant anticipatory bail to the petitioners. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioners, the prayer for regular bail shall be disposed of without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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