

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85629 of 2019

Arising Out of PS. Case No.-277 Year-2019 Thana- KHAGARIA District- Khagaria

Binod Sah @ Binod Saw, Son of Balkeshwar Sah Resident of Village - Rani Sakarpura, P.S.- Gangaur, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-06-2020 Heard Mr. Yogesh Kumar, learned counsel for the petitioner and Mr. Binod Kumar, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Khagaria (Gangaur) P.S. Case No. 277 of 2019 dated 29.04.2019 instituted for the offences under Sections 341, 448, 504, 506, 323, 337, 338, 307 and 34 of the Indian Penal Code.

According to the FIR, the petitioner and one Pinkesh Sah are said to have assaulted the informant by means of brick. The first assault is attributed to the petitioner.

It has been urged on behalf of the petitioner that there is a dispute with respect to boundary wall and precisely for this reason, a case has been lodged after



about 17 days of the occurrence. There is a counter version of the occurrence as well.

However, looking at the nature of injuries, one of which is grievous and could be attributed to the petitioner, I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account that there is a prior dispute, counter case and there is no repetition of blow and shall pass orders in accordance with law without being prejudiced by the fact that, the present petition has not been entertained.

(Ashutosh Kumar, J)

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