

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86023 of 2019**

Arising Out of PS. Case No.-103 Year-2019 Thana- BATHNAHA District- Sitamarhi

ABHISHEK KUMAR S/o Mahavir Singh R/o village- Kamaldah, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

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

5 25-09-2020 Heard learned counsel for the petitioner and Mr.
Bharat Lal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Bathnaha P.S. Case No. 103/2019
registered for the offence under Sections 341, 323, 324, 307,
504/34 of the Indian Penal Code and 27 of Arms Act, pending in
the court of learned Chief Judicial Magistrate, Sitamarhi.

Learned counsel for the petitioner submits that both
the parties are agnates and they had indulged in stone pelting
over a land dispute. Learned counsel further submits that
Annexure '2' is the copy of a complaint petition which has been
preferred by the petitioner's side. It is his submission that
considering the nature of injury of the informant the petitioner
may be granted privilege of anticipatory bail.



On the other hand learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that there is a specific allegation that this petitioner had assaulted the informant by Dabiya on her head and the injury report which has now been received would show that the informant was brought to the Primary Health Centre in unconscious condition and she had suffered incised wound on skull size 5" x 1/4" x scalp deep. It is thus his submission that on the vital part of the body the petitioner had assaulted and hence he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case, there being specific allegation against this petitioner of causing assault on vital part of the body causing injury on that, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered keeping in view the relationship between the parties, the fact that it was a land dispute and the simple injury has been noticed, in any case the



prayer for regular bail shall be considered independently and it will not be rejected only because this court has not granted privilege of anticipatory bail to the petitioner.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

