

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10044 of 2020

Arising Out of PS. Case No.-939 Year-2019 Thana- MADHEPURA District- Madhepura

Dinesh Chaudhary, Son of Late Bindeshwari Chaudhary, Resident of Village -
Chaiknautwa, P.S. - Ghailarh, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Madhepura (Ghailarh O.P) P.S. Case No.939 of 2019 registered for the offence punishable under Sections 147, 148, 149, 448, 341, 323. 324, 307, 379, 504 and 506 of the Indian Penal Code, pending in the court of C.J.M., Madhepura.

The allegation against the petitioner is of assaulting the younger son of the informant, namely, Manoj Chaudhary, by means of *Farsa* on his head.

It is submitted by the petitioner's counsel that the parties are relatives and the dispute has occurred on account of subsisting land dispute between the parties. It is further submitted that from the injury report, it can be seen that the



examination of the victim is alleged to have taken place at 2:30 P.M., whereas the occurrence in the F.I.R. is of 4:00 P.M. Further, it is submitted that co-accused Vinod Kumar Chaudhary and Anmol Chaudhary have been allowed anticipatory bail in Cr.Misc. No.9453 of 2020.

Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that from the injury report, it is evident that the same has been prepared much after the alleged occurrence i.e. 07.12.2019. As such, the alleged discrepancy cannot be made the basis of making a prayer for grant of anticipatory bail, in view of the fact that the victim has suffered grievous injury on the head. Further submission is that in respect of the other two co-accused, the petitioner is claiming parity, but there was no allegation against them of causing grievous injury. The petitioner therefore is not entitled to claim parity with the aforesaid two persons.

Under such circumstances, this Court is inclined to accept the submissions advanced by the learned APP.

The anticipatory bail application is rejected.

(Madhuresh Prasad, J)

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