

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27460 of 2020

Arising Out of PS. Case No.-661 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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SUNIL TIWARY Son of Kanhai Tiwary Resident of Kanti Kasba, P.S.- Kanti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate
For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Kanti PS Case No. 661 of 2019 registered under Sections 341, 323, 324, 504, 506, 307, 354 and 379/34 of the IPC.

Against the petitioner there is allegation of assault by knife.

It is submitted by learned Counsel for the petitioner that two knife injuries attributed to the petitioner do not stand corroborated by the injury report. He submits that the injury report shows that the knife blows to be simple in nature in respect of Khusbu; and that it is found on different part of the body in respect of Dinesh.

Learned APP for the State has opposed the prayer for



anticipatory bail. It is submitted that the fact that there is discrepancy in the allegation with that which has been found in the injury report is indicative of the bonafide of the prosecution case as it cannot be expected that the informant would describe all the injuries. Knife blows attributed to the petitioner have been found on the victim. The petitioner therefore is not entitled to the privilege of anticipatory bail.

Having considered the rival submissions the prayer for anticipatory bail is rejected.

It is however made clear that rejection of the prayer for anticipatory bail would not stand in the way of consideration of his prayer for grant of regular bail.

(Madhuresh Prasad, J)

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