

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31879 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- PARBATTI District- Khagaria

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Anjesh Mishra @ Pintu, aged about 32 years, Male, Son of Shivesh Chandra Mishra, Resident of Village- Kanhaiya Chak, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate
For the State : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-03-2021

Heard Mr. Ayush Kumar, learned counsel for the petitioner and Ms. Gulnar Begum, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Parbatta PS Case No. 77 of 2020 dated 01.03.2020, instituted under Sections 341/323/307/379/504/506/34 of the Indian Penal Code.

3. The allegation against the petitioner is of inflicting iron rod blow on the head of the informant and also taking away Rs. 15,000/- from his pocket.

4. Learned counsel for the petitioner submitted that the allegation is false and the informant and the petitioner are



cousin brothers and they were in business relationship, but due to some dispute over money, there was altercation and the informant fell on his back resulting in head injury, but the same has not been caused due to any blow by the petitioner. Learned counsel submitted that though no fracture of the scalp is detected in the CT Scan still the report mentioning that the injury was grievous, is collusive. It was submitted that the wife of the petitioner has filed an application before the Superintendent of Police, Khagaria pointing out the collusive injury report. It was further submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the allegation in the FIR is supported by the injury report and though there has been no fracture found in the skull, but multiple haemorrhages have been detected in the CT Scan and, thus, the same being in the brain, are grievous in nature. It was submitted that there is no occasion for the petitioner to be falsely implicated more so, when they are cousins and further that the injury has not been manufactured as the report is that of a CT Scan.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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