

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37118 of 2020

Arising Out of PS Case No.-547 Year-2015 Thana- RUNNISAIDPUR District- Sitamarhi

Gagandeo Prasad, aged about 50 years, Male, Son of Rambharosh Bhagat.
All are Resident of Village- Chakjamal, PS- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the State : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Shanti Bhushan Singh, learned counsel for the petitioner and Mr. Arun Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Runnisaaidpur PS Case No. 547 of 2015 dated 13.10.2015, instituted under Sections 341, 323, 324, 307 and 379 of the Indian Penal Code.

4. The specific allegation against the petitioner is that he had assaulted by knife on the head of the informant leading to injury.

5. Learned counsel for the petitioner submitted that he is the nephew (*Bhanja*) of the informant and there was dispute as has



been admitted in the FIR itself and for resolving the same, a *panchayati* had been called for, where the incident occurred. Learned counsel submitted that the injury report discloses that the same was simple in nature as has been noted by the learned Sessions Judge, Sitamarhi in order dated 07.07.2020 passed in ABP No. 195 of 2020, by which prayer for anticipatory bail of the petitioner has been rejected. It was further submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the matter is more serious as the petitioner has attacked his uncle with knife on the head which is a vital part. It was submitted that even the injury report corroborates such allegation as there is wound on the forehead, which is a vital part, caused by sharp cutting substance. It was submitted that it was the good fortune of the victim that no serious damage was caused, but the intention of the petitioner is clear having used a knife to attack his uncle on the head.

7. 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.

8. Accordingly, the petition stands dismissed.

9. However, in view of submission of learned counsel for the petitioner, it is observed that if the petitioner appears before



the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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