

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39069 of 2020

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Banlindra Tiwari, aged about 53 years, son of Late Shobh Narayan Tiwari, resident of village-Aruwan (Aruan) Makari Tola, P.S. Bhagwanpur Hat, District-Siwan

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr.Sanjany Kumar Singh, Advocate

For the State :- Mr. Gauri Shankar Gupta , APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2. **01.06.2021** The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and

Shri. Gauri Shankar Gupta, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bhagwanpur Hat P.S. Case No. 178 of 2019 for the offence registered under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

The allegation is regarding the petitioner having assaulted the informant by means of 'farsa' resulting in the informant sustaining injuries on his head and nose, whereafter the co-accused persons had also assaulted him.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case, in which he is on bail. It is further submitted that though the petitioner has been alleged to have given farsa blow, which is a sharp edged weapon, but the injury found is a lacerated wound, which shows that the same is on account of assault by a hard blunt substance, hence there

appears to be gross inconsistency, consequently, the petitioner is entitled to the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State Shri. Gauri Shankar Gupta has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the injury report corroborates the factum of assault by the petitioner and the injury found on the person of the informant has been opined to be grievous in nature by the doctor, this Court finds that the complicity of the petitioner is writ large from the records and he is alleged to have committed a heinous offence, thus I do not find any merit in the present petition. Accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-