

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38577 of 2019

Arising Out of PS. Case No.-299 Year-2018 Thana- EKMA District- Saran

HARI OM PANDEY @ RAJA PANDEY Son of Ram Ishwar Pandey
Resident of Village-Bhodsa, Police Station-Ekma, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 30-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Ekma P.S. Case no. 299 of 2018 instituted for the offence punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

As per allegation in the FIR, over a trivial dispute of electric wire, a quarrel has taken place between the son of the informant and the petitioner. On the order of co-accused Ram Iswar pandey, petitioner stabbed a knife in the stomach of the informant's son resulting into grievous injury.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely



implicated in this case due to some ulterior motive. He has got no criminal antecedent. In fact, there is contradiction in respect to the fact including the numbers of accused and place of occurrence, which appears from the two fardbeyan, recorded on 19.11.2018 and 21.11.2018 respectively. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has submitted that from perusal of the injury report, it appears that injury received by the injured is on vital organ and nature of injury is grievous. It is not a fit case for anticipatory bail

Having heard learned counsel for the parties and considering the nature of injury which is grievous in nature and on vital organ, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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