

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1446 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- FATEHPUR District- Gaya

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JITENDRA KUMAR Son of Surendra Prasad @ Surendra Saw Resident of
Village- Gigjoi Khurd, P.S.- Fatehpur, Distt- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 01-11-2021 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as

learned APP for the State assisted by learned counsel for the

informant.

The petitioner apprehends his arrest in connection

with Fatehpur P.S. Case No. 173 of 2020, registered for the

offences punishable under Section 341, 323, 324, 307, 504, 506,

34 of the Indian Penal Code.

Deepak Kumar, the informant lodged an FIR, stating

therein that the accused persons were raising a wall on his land

and when the father of the informant Bhagwan Prasad



prohibited them, Jitendra Kumar inflicted lathi blow on the head of the informant's father, sustaining injury. He fell on the ground, whereupon co-accused Sudhir Yadav also assaulted the father of the informant.

Learned counsel for the petitioner has submitted that he has no role in the entire occurrence. He is in BSF and it was the reason that he has been falsely implicated. Learned counsel for the petitioner has further submitted that the father of the petitioner has sent his *fardbeyan* as Annexure-2, but still it has not been registered. He has also submitted that there is a land dispute between both the parties which has been reflected in the FIR itself.

Learned APP for the State assisted by the learned counsel for the informant has submitted that there is specific allegation on the petitioner that he inflicted deadly *lathi* blow on the head of the informant's father. The injury is grievous in nature and it was on vital part i.e. parietal region of the head of the injured.

Perusal of the rejection order of the learned Sessions Judge, Gaya in A.B.P. No. 1819 of 2020 dated 12.10.2020 reflects that the nature of injury is grievous and there is specific allegation on the petitioner of causing that injury on the parietal



region of the head of the injured. As such, I do not think it a fit case for anticipatory bail.

Accordingly, the prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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