

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2875 of 2021

Arising Out of PS. Case No.-318 Year-2020 Thana- MASHRAK District- Saran

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Mohan Sah, S/o Krishna Sah, R/o Village - Karnkudariya, P.S. - Mashrak,
District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Adv.
For the Informant	:	Mr. Ajay Kumar Singh-1, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-07-2021 Heard Mr. Ravi Prakash, the learned Advocate for

the petitioner and Mr. Ajay Kumar Singh-1, the learned

counsel for the informant. The State is represented by the

learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Mashrak P.S. Case No. 318 of

2020, instituted for the offences under Sections 341, 323,

324, 326, 307, 504 and 506 of the Indian Penal Code and



Section 27 of the Arms Act.

Over an issue of children playing during corona times, an occurrence took place in which the petitioner is alleged to have assaulted the son of the informant and has also opened fire.

It has been submitted on behalf of the petitioner that the occurrence arose out of a very small dispute and the injuries suffered by the victim are simple in nature. It has further been submitted that the assessment of the nature of injuries also was not correct in as much as no definite opinion could be given whether the injuries have been caused by hard and blunt substance or by firearm.

The learned counsel for the informant however has submitted that for such a small dispute, the petitioner assaulted the son of the informant by sword and also opened fire. The nature of injuries is such, as has been stated by the learned counsel for the informant, that it was difficult to decipher whether it was by sword or by gunshot. That the injury was on the finger, therefore it could not be assessed whether firearm was used or not.



Be that as it may, regard being had to the fact that for such a small dispute, the petitioner is said to have taken out his sword and attacked the son of the informant, I am not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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