

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23975 of 2021

Arising Out of PS. Case No.-511 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

VIKASH KUMAR @ NEPALI Son of Mohan Das Resident of Village -
Daulatpur Devaria, P.S.- Sadar Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-01-2022 Heard Mr. Sabal Kumar Jha, learned Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Hajipur Sadar P.S. Case No. 511 of 2018 dated 18.08.2018 which was initially instituted for the offences under Sections 147, 149, 341, 323, 324, 307, 354, 379 and 504 of the Indian Penal Code but later cognizance was not taken under Section 307 IPC.

Learned counsel for the petitioner has submitted that even though there is an allegation against the petitioner of having assaulted the wife of the informant by means of a sword, but considering the falsity of the accusation, the petitioner was not arrested and was noticed under Section 41(a) of the Code of the



Criminal Procedure. Later, cognizance has been taken under minor Sections of the IPC and not under Section 307.

This anticipatory bail petition is disposed off with the observation that in case the petitioner surrenders before the court below and seeks bail, the court below shall take into account that during the period of investigation, the petitioner has not misused the privilege of bail and that cognizance has not been taken under Section 307 of the IPC and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

The application stands disposed off.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

