

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46451 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- MAJORGANJ District- Sitamarhi

Nazre Alam Son of Moti Alam Khan Resident of Village - Bariyapur, P.s.-
Majorganj, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2022 Heard Mr. Radha Mohan Singh learned counsel for
the petitioner as well as Mr. Uday Chand Prasad, learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Majorganj P.S.Case No.178 of 2020 registered for the
offences punishable under sections 341, 323, 307, 379, 504/34
of the Indian Penal Code.

As per the prosecution case, it is alleged that there is
specific allegation against the petitioner that he assaulted one
Pramod Das cousin of the informant by means of iron rod due
to which he sustained injury over his head, which was grievous
in nature.

It is submitted on behalf of the learned counsel for the
petitioner that prima facie from the FIR, it appears that this



petitioner has assaulted one Pramod Das, by means of iron rod but there is no allegation of repeated blow, moreover, injury report does not corroborate the prosecution case in as much as one fracture and two other injuries have been found on the person. It is also submitted that there is land dispute between the parties and delay of four days in lodging of the FIR, apart from that petitioner having clean antecedent.

On the other hand, learned counsel for the State opposes the bail application of the petitioner and submits that there is specific allegation of assault against the petitioner.

Considering the submission made on behalf of the parties and taking into account, the nature of allegation which is specifically against the petitioner that he assaulted the injured Pramod Das, over his head by means of iron rod due to which he sustained fracture and other two injuries over his head. This Court is not persuaded to enlarge the petitioner on anticipatory bail. Accordingly, the anticipatory bail application of the petitioner stands rejected.

However, it is made clear that if the petitioner surrenders before the court below within six weeks from today and makes prayer for regular bail, the learned court below shall consider the regular bail of the petitioner without being



prejudice to the present order.

(Harish Kumar, J.)

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