

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52748 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- DUMARIYA District- Gaya

KAUSHAL SAW @ KAUSHALENDRA KUMAR SON OF KAMLESH
SAW R/O VILLAGE- BASDIHA, P.S.- DUMARIYA, DISTICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shailesh Kumar, Advocate
For the Opposite Party/s :	Mr.Raj Ballabh Singh, APP
For the Informant :	Mr.Anil Kumar Saxena, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with Dumariya P.S. Case No.06 of 2021, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

The allegation against the petitioner is that he has assaulted the informant by means of tangi (axe) on his head.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the occurrence took place on 05.01.2021 but the fardbeyan of the informant was recorded on 09.01.2021 i.e. after a delay of four days and the F.I.R. was instituted on 23.01.2021 i.e. after a delay of 18 days, which creates doubt about the prosecution case. There is no eye-witness to the alleged occurrence. It is further submitted that the injury report does not corroborate the version of the F.I.R. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that there is specific overt act against the petitioner of causing head injury with tangi to the informant. The same is supported by the injury report, in which mild soft tissue edema seen in left fronto parietal region due to deep lacerated wound on the forehead (3x1 inch) and the injury was found dangerous to life caused by hard and blunt substance. It is submitted that the injuries are grievous in nature.

Having regard to the facts and circumstances of the case,



considering that the injuries are grievous in nature, I am not inclined to enlarge the petitioner on bail. The prayer for anticipatory bail made by the petitioner named above is hereby rejected.

The bail application is accordingly dismissed.

However, petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, in accordance with law, considering that the petitioner is a student and there is a delay in lodging the F.I.R.

(Anjani Kumar Sharan, J)

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