

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12822 of 2023**

Arising Out of PS. Case No.-303 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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SHANKAR RAY S/O SHUKUL RAY @ SAKAL RAY R/v- Sibaisingpur,
P.S.- Mohiuddinnagar, Anchal- District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra
For the Opposite Party/s	:	Mr. Akhileshwar Dayal
For the Informant	:	Mr. Mahendra Pratap

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 28-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in Mohiuddinnagar P.S. Case No. 303 of 2022 dated 09.11.2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 & 506/34 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Samastipur.

The petitioner is said to have assaulted the brother of the informant by means of iron rod causing head injury to him and after the CT scan the doctor has found hairline fracture on frontal bone on the right side.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been



falsely implicated in this case. It is further submitted that both the parties are close agnates and there is previous land dispute between them. Earlier to the case under hand, the niece of the petitioner has also lodged Mohiuddinnagar P.S. Case No.302 of 2022. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent.

Learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that considering the seriousness of the allegation the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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