

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12270 of 2023

Arising Out of PS. Case No.-495 Year-2019 Thana- KORHA District- Katihar

SK. KASIM Son of Sk. Jarib Resident of village - Madhura, P.S.- Korha,
District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Korha P.S.
Case No. 495 of 2019 registered for the offences punishable
under Sections 341, 323, 307, 504, 506 and 34 of the Indian
Penal Code pending in the Court of learned C.J.M., Katihar.

Prosecution case in short is that the petitioner
along with other co-accused persons assaulted the informant
when he was sleeping in his shop. The petitioner assaulted the
informant on his chest by iron rod.

Learned counsel for the petitioner submits that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.
He submits that there is case and counter case between the
parties and both sides have sustained injuries. Similarly



situated co-accused has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.06.2020 passed in Cr. Misc. 11432 of 2020. Petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that there is specific overt against the petitioner. He along with other co-accused persons brutally assaulted the informant on his head as well as abdomen, due to which he sustained grievous injuries. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the nature of the offence, particularly, the nature of injury, 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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