

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14581 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- SARSI District- Purnia

Dilkhush Kumar S/O Bechan Mehra R/v- Jiyanganj, Kahar Tola, P.S.- Sarsi,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

The accused/petitioner is not named in the F.I.R. and
apprehend his arrest in connection with Sarsi P.S. Case No. 80
of 2022 registered for the offences punishable under Sections
447, 341, 323, 324, 325, 307, 504, 506/34 of the Indian Penal
Code (in short 'I.P.C.').

The allegation against this petitioner is to assault
brother of informant alongwith other co-accused persons,
causing head injuries, having intention to cause death, where
occurrence is arises out of grazing issue of she-goat.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in F.I.R. though informant is the eye witness of the occurrence. It is submitted that as petitioner is the son of named co-accused Asha Devi, he was implicated with present case. It is submitted that named co-accused Asha Devi has already been granted bail by the learned court below itself. It is also submitted that allegation is of single assault without having intervening circumstances and, as such, it cannot be said that petitioner was under intention to cause death of injured. It is submitted that for the same set of occurrence a counter case was also lodged by petitioner's side, which has been registered as Sarsi P.S. Case No. 81 of 2022. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State while opposing the prayer of bail submitted that during the course of investigation the statement of injured namely, Binod Das was recorded, who specifically named this petitioner to cause head injuries, which on medical examination, found grievous.

Considering the aforesaid facts and circumstances as mentioned above, as there is specific allegation against this petitioner to assault injured namely Binod Das causing grievous



head injury, the prayer of anticipatory bail of this petitioner is rejected herewith.

However, if petitioner surrender before the Court below and prayed for regular bail, his prayer so made be considered, without being prejudiced in any manner by this order.

(Chandra Shekhar Jha, J)

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