

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16827 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- PHULWARIYA District- Gopalganj

Nitesh Kumar Singh @ Nitesh Kumar, Male, aged about 25 years, Son of
Jitendra Singh Village- Murar Batraha Ps- Phulwaria Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
APP for the State of Bihar.

The petitioner is apprehending his arrest in connection
with Phulwaria (Shripur O.P.) P.S. Case No. 445 of 2022 for the
offence under Sections 341, 342, 323, 324, 307, 325, 354B, 379,
504, 506/34 of the Indian Penal Code

There is allegation of assault upon the informant's
husband by *farsa* on his head. The informant has also alleged
that the petitioner has torn her cloth and snatched her gold
chain.

Learned counsel for the petitioner submits that there is
delay of about seven days in lodging the FIR and further delay
in reaching the Court which is evidence of the false implication.
The petitioner has no antecedent. He has referred to the injury



report of the informant husband (*Sricharan Yadav*) to submit that he has sustained simply injury.

Learned counsel for the APP opposed the prayer for bail. It is submitted that injury has been inflicted on his head and lacerated wound has been found on the skull half inch skin deep.

Considering the rival submissions, finding the assault to be on head (vital part of the body), this Court is not inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, petitioner's prayer for anticipatory bail is rejected.

This Court would clarify that the observations are limited for the purpose of consideration of prayer for anticipatory bail. If the petitioner surrenders for grant of regular bail, the Court should proceed to consider the petitioner's claim under the parameters for grant of regular bail without being prejudiced by observations hereinabove.

(Madhuresh Prasad, J)

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