

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26752 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- NALANDA District- Nalanda

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SUNIL KUMAR @ GORELAL SON OF LATE LALA MAHTO Resident of
village - Taju Bigha, P.S. - Nalanda, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2023 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State as well as

learned counsel for the informant.

This application, for grant of anticipatory bail,
arises out of Nalanda Police Station Case No. 30 of 2022, dated
21.02.2022, disclosing offences under Sections
341/323/325/307/354/504/34 of the Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the petitioner assaulted the wife of
the informant on her head by means of spade due to which she
sustained injury.

Learned Counsel for the petitioner submits that the
petitioner is brother-in-law of the informant's wife and own
brother of the informant. He further submits that there is a land
dispute between the parties and a counter case has also been



lodged by the side of the petitioner against the informant bearing Nalanda Police Station Case No. 31 of 2022 on 21.02.2022.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that due to assault made by the petitioner by means of spade, ribs no. 9, 10 and 11 of the informant's wife have got fractured and the injury is grievous in nature.

Having regards to the submissions made on behalf of the parties and taking into consideration that the injury caused to the informant's wife is grievous in nature, I am not inclined to grant the petitioner privilege of anticipatory bail, however, if the petitioner surrenders before the concerned court and seeks regular bail, the same may be considered by the learned Judicial Magistrate 1st Class, Nalanda, on the same date, without being prejudiced to the fact that the anticipatory bail of the petitioner has been rejected.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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