

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33226 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- PIRPAINTI District- Bhagalpur

PRAMOD KUMAR MANDAL @ PRAMOD MANDAL Son of Late
Shiwajee Mandal Resident of village - At Babupur, P.S - Babupur, Distt. -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned A.P.P.

for the State

2. The petitioner apprehends his arrest in Pirpainty P.S. Case No. 26/2021 registered for the offences punishable under Sections 341, 323, 325, 379, 354, 504 & 506/34 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Bhagalpur.

3. The allegation against this petitioner is that he gave a lathi blow to the informant, who somehow saved his head and the blow hit on his waist due to which he fell down and other co-accused assaulted the informant by leg and fist. Other allegation has also been made.

4. 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 due to land dispute. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that assault is not on the vital part of the body. It is further submitted that injury report shows that injury is grievous in nature caused by hard and blunt substance. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the injury caused by the petitioner is grievous in nature, hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the 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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