

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37272 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- DARAUNDA District- Siwan

RAKESH KUMAR SAH @ RAKESH SAH S/O LATE GOURI SHANKAR
SAH R/O Village- Pakwaliya, P.S- Daraundha, Distt.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 504, 506 and 379/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner along with other co-accused persons assaulted the informant side by means of deadly weapons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is case and counter case between the parties. He submits that the occurrence took place on 25.08.2022 but the F.I.R. lodged on 01.09.2022 after delay of 6 days and there is no any explanation of it which creates



serious doubt about prosecution case. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that there is specific allegation against the petitioner to assault the informant's son causing head injury which is found grievous in nature. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the injury, I am not inclined to enlarge the petitioner on bail in connection with Daraundha P.S. Case No. 238/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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