

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37336 of 2023**

Arising Out of PS. Case No.-440 Year-2022 Thana- KOTWA District- East Champaran

Chhabela Singh @ Chhabila Singh, Son of Rajendra Singh, Resident of
Village- Jasauli Patti, Police Station- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Bijay Prakash Singh, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Kotwa P.S. Case No. 440 of 2022 registered for the offences punishable under Sections 341, 324, 307, 504 and 506 of the Indian Penal Code.

3. It is alleged that on account of a trifling reason in connection with change of denomination of Rs.500/-, the petitioner got infuriated and assaulted the informant's son by means of axe over his head, due to which he sustained grievous injury.

4. Learned counsel appearing on behalf of the



petitioner submits that in fact the allegation is out and out false and concocted and no such occurrence took place. The injury sustained to the informant's son is on account of some different reason, but only because of previous enmity, his name has been implicated in this case. He next submits that there is no eye witness to the alleged occurrence, who supported the prosecution case and moreover he is a man of fair antecedent. He lastly submits that there is no repetition of blow and, as such, the ingredients are not suffice to constitute an offence under Section 307 of the Indian penal Code.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation that the petitioner assaulted the informant's son by means of axe, resulting into grievous injuries, the prayer for grant of anticipatory bail of the petitioner is hereby rejected.

7. However, the petitioner is directed to surrender before the court below within a period of four weeks from today. In case, the petitioner surrenders and file appropriate petition seeking grant of regular bail, the learned court below



shall consider his case expeditiously taking into account his fair antecedent and there is no repetition of blow.

(Harish Kumar, J)

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