

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48659 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- BAGHA District- West Champaran

Sujit Rao Son of Harinarayan Rao Resident of village - Mehuda, P.S. -
Bagaha, Distt. - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha No.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504/ 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against 8 named accused persons including the present petitioner. It has been alleged in the F.I.R. that all the accused persons reached at the shop of the informant and started assaulting him. The specific allegation against the petitioner is that he has attacked on the head of the informant by *khanti* (iron rod), due to which, bleeding started and head injury caused. It has been further alleged that when nephew of the informant reached there, then accused persons also assaulted him. They

also assaulted his family members and looted mobile phone, gold chain, gold ring and Rs.20,000/-.

4. Learned counsel for the petitioner submits that both the petitioner and informant are resident of the same village and they are well known to each other.

5. From bare reading of the F.I.R., it transpires that there was a land dispute between the parties. Counsel for the petitioner specifically submits that neither Section 307 nor Section 379 of the I.P.C. are made out, due to the reason that from injury report of the informant, it shall transpires that the said injury is simple in nature. Counsel further submits that the antecedent of the petitioner is clean.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the allegation against the petitioner is to assault the informant by *khanti* (iron rod) on his head.

7. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Bagaha P.S. Case No. 250 of 2023, dated 16.04.2023 to the satisfaction of learned A.C.J.M.- 1st Bagaha, West Champaran.

8. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

9. However, it is directed to the petitioner that he shall surrender before the learned Court below within six weeks from today and upon going through the injury report that it is simple in nature, the Court below shall consider the anticipatory bail treating it that this case is a fit case for regular bail. The disposal of this case shall be made on the day on which the surrender application shall be filed. If due to any reason, the injury report at the time of passing order shall not be available to the Court, then the Court is directed to grant him the provisional bail and after going through the injury report shall pass final order without prejudice from the order passed by this Court.

(Dr. Anshuman, J.)

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