

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61626 of 2023**

Arising Out of PS. Case No.-133 Year-2022 Thana- PAROO District- Muzaffarpur

SANTOSH RAI @ SANTOSH KUMAR son of Dhaneshwar Rai @
Dhaneshwar Ray Village- Chhapra Ash Ps- Paroo Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 13-10-2023 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Paroo P.S. Case No. 133 of 2022 for the offence under sections 147, 148, 149, 341, 323, 324, 307, 379, 506 of the I.P.C. lodged on 24.03.2022 by the informant, Jagan Rai.

3. As per the prosecution story, the informant alleged that when he was sitting at his door, the accused persons including the petitioner armed variously came and attacked by sword on his head causing injury to him as also his son. Further, they snatched earring from his daughter-in-law. Accordingly the FIR.

4. Learned Counsel for the petitioner submits that omnibus allegation has been made against all the accused



persons. Further, the injury report is part of the petition which though shows injury on the scalp, the word 'grievous' is missing regarding informant. So far as the son of the informant is concerned, the injury has been found to be simple. Further, though erroneously, in the bail application, it was stated that the petitioner do not have criminal antecedent, it subsequently came to notice that he has three criminal antecedents which has been brought on record by supplementary affidavit.

5. Learned APP opposes the prayer stating that the injury was found on the head/brain.

6. Considering the aforesaid facts as also that as per the supplementary affidavit, he has three criminal antecedents, injury has been found to be on the scalp, this Court is not inclined to extend him any relief, which is accordingly rejected.

(Rajiv Roy, J)

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