

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60282 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Emtiyaz Pawariya @ Emtiyaz Miyan Son Of Aliyar Pawariya Resident Of
Village- Fakarabad, Ps- Chainpur, Distt- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma
For the Informant	:	Mr. Ashutosh Tripathy

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the
informant.

2. The petitioner apprehends his arrest in Chainpur
P.S. Case No. 164 of 2023 registered for the offences punishable
under Sections 341, 323, 307, 379, 504 of the Indian Penal Code
pending in the Court of learned Additional Chief Judicial
Magistrate-II, Kaimur at Bhabua.

3. As per the prosecution case, the petitioner is said
to have assaulted the informant by means of iron rod and also
took out cash of Rs. 5,000/- from his pocket.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He fairly submits that the allegation against the petitioner is of assaulting the informant and the injury was found grievous in nature. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State as well as the informant opposed the prayer for bail and submits that the petitioner is involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. 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, considering the fact that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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