

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67030 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- KHIJARSARAI District- Gaya

Eklakh Miyan @ Eklakh Ahmad Son Of Late Munu Khan @ Munna Khan
Resident Of Village - Aakani, (Akauni), P.S. - Khizersarai, District - Gaya
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vinod Kumar, Advocate
For the Informant	:	Mr. Diwakar, Advocate
		Mr. Shivam Kumar, Advocate
		Mr. Deepak Kumar, Advocate
		Ms. Priya Kumari, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Khizersarai P.S. Case No. 208 of 2023 registered for the offences punishable under Sections 341, 323, 308, 354, 379 and 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 15.05.2023 at about 06:30 A.M., when the husband of the informant went to attend nature call, accused Eklakh Miyan (this petitioner) armed with iron rod assaulted on the head of the informant as a result of which blood started oozing out from his head and he fell down. In the meantime, when the informant came there, this petitioner also assaulted her and misbehaved with her. It is alleged that the petitioner snatched jitiya



and mangalsutra from the neck of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein there is specific allegation against this petitioner of causing repeated assault on the husband of the informant and the injury report which has been made available to this Court for perusal shows that the husband of the informant had suffered multiple injuries on his body and on vital part of the person causing grievous injury, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. The prayer for anticipatory bail of the petitioner is, thus, refused.

8. In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

9. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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