

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74342 of 2022

Arising Out of PS. Case No.-413 Year-2019 Thana- KAHALGAON District- Bhagalpur

BAHADUR TANTI Son of Bhuneshwer Tanti Resident of Village- Ladma
(Kharwa Tola Ward No.-09), P.S.- Kahalgaon (Ogri), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 341, 323, 379, 308, 504, 341 and
34 of the IPC.

Allegation against the petitioner is of assaulting the
informant on his head by means of axe and he also assaulted the
son of the informant.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to enmity. No such
occurrence, in the manner as alleged, has ever taken place. The
allegation against the petitioner is of giving axe blow on the
head of the informant and the injury report shows one lacerated



wound 1" x 1/4" x 5" on the forehead of the informant and on that basis, the prayer for anticipatory bail was rejected by the learned court below but the nature of injury was not described. It is further submitted that during investigation, the petitioner has enjoyed the benefit of section 41(a) of the Cr.P.C.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner of assaulting the informant by means of axe on the vital part of the body.

Having regard to the facts and circumstances of the case, since the nature of injury has not been mentioned in the injury report, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kahalgaon P.S. Case No.413/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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