

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72086 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- BAHERI District- Darbhanga

1. SHIVJEE PASWAN Son of Sukdeo Paswan @ Late Sukdeo Paswan Resident of House No.-24, Turki Athi, Village- Kamalpur Ghat, P.S.- Baheri, District- Darbhanga
2. RAM PRAKASH @ RAM PRAKASH PASWAN Son of Buchhi Das Resident of Village- Kamalpur Ghat, P.S.- Baheri, District- Darbhanga at present residing at Nehru Nagar, Baljeet Nagar, Patel Nagar, Central Delhi, Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2023 Heard the parties.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application on the part of petitioner no.2, who has died during pendency of this application.

Prayer is allowed.

Accordingly, this application with regard to petitioner no.2 is dismissed as infructuous.

Now, it is being heard for consideration of bail on behalf of petitioner no.1 only.

The petitioner apprehends his arrest in connection with Baheri P.S. Case No.186/22, registered for the offence punishable u/s 341/323/324/307/379/504/34 IPC.



Petitioner is said to have assaulted the brother of informant namely Lal Bahadur Paswan with iron rod repeatedly.

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. No such occurrence, in the manner as alleged, has ever taken place. For the alleged occurrence, there is case and counter-case between the parties and the present case is counter-blast of Baheri P.S. Case No.185 of 2022. It is submitted that both sides have sustained injuries and the injuries are simple in nature. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner and the injury is on the vital part of the body.

Having regard to the facts and circumstances of the case, since the injury is on the vital part of the body of the injured, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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