

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73706 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- DIDARGANJ District- Patna

Vishal Kumar Son Of Dhanesh Rai R/O Village- Mallikpur, P.S.- Rustampur,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State assisted by learned counsel for the informant.

The petitioner apprehends his arrest in Didarganj P.S. Case No. 135 of 2022 registered for the offences punishable under Sections 341, 323, 325, 308, 379, 504 and 34 of the Indian Penal Code pending in the Court of learned A.C.J.M., -IV, Patna City.

As per prosecution case, when the informant was doing irrigation work then his villagers along with petitioner armed with iron rod, lathi danda and assaulted and abused him. On protest, they assaulted the informant. When the informant started crying then villager informed his family and then his sons came but they were caught by them and they were also assaulted with iron and khanti.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He submits that the petitioner has not committed any offence



as alleged in the prosecution case. He submits that there is admitted land dispute between the parties. He submits that both are own family members. He further submits that there is no criminal antecedent against the petitioner as mentioned in para 3 of this application.

Learned APP for the State as well as learned counsel for the informant vehemently opposing the bail petition submitted that there is specific allegation against the petitioner of assaulting the son of the informant and the injury was found grievous in nature. Hence, the petitioner does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the fact there is specific allegation against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected. 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 is student.

(Anjani Kumar Sharan, J)

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