

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75121 of 2022

Arising Out of PS. Case No.-607 Year-2022 Thana- MAJHAULIA District- West Champaran

Alauddin Ahmad @ Alauddin Ansari @ Alwdin Ansari @ Alwdin Son Of Ali
Hussain Ansari R/V- Majhariya Shekh, Ward No. 7, P.S.- Majhauriya,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Majhauriya P.S. Case
No.607 of 2022 registered for the offences punishable under
Sections 341, 323, 307, 354(b), 379, 504 and 324/34 of the
Indian Penal Code.

The allegation against the petitioner is to assault
informant alongwith other co-accused persons causing head and
bodily injuries, having intention to cause their death as dispute
arises out of altercations developed amongst children of the
parties.



Learned counsel appearing on behalf of the petitioner submitted that the occurrence is of free fight in nature, where both parties received injuries and petitioner's side also lodged a counter case registered as Majhauriya P.S. Case No.609 of 2022. It is submitted that alleged assault is single without having intervening circumstance and, as such, it cannot be said that petitioner was under intention to cause death of injured/informant. It is also submitted that narration of F.I.R. suggests informant received injury on his head after falling on the ground. While travelling over the argument it is submitted that nature of injury, which found lacerated on head of injured/informant not appears in corroboration with the nature of weapon being sharp edge cut weapon. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that specific allegation is available against this petitioner causing grievous head injury.

In view of the facts and circumstances as mentioned above as specific allegation to cause grievous head injury is available against this petitioner, the prayer of anticipatory bail of the petitioner is rejected herewith.



However, in case the petitioner surrenders and seeks regular bail, the same shall be considered by the learned Court below on its own merit without being prejudiced in any manner by this order.

(Chandra Shekhar Jha, J.)

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