

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80791 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- DHARHARA District- Munger

NIRAJ KUMAR @ BHOLU Son of Ramesh Kumar Azad @ Tunna Ram
Resident of Lagma, P.S.- Dharahra (Hemjapur O.P.), District - Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Dharahra (Hemjapur O.P.) P.S. Case No. 136 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 308, 379, 385 and 448 of the Indian Penal Code.

3. Allegedly, on not giving Rangdari of Rs. 50,000/-, all the accused persons including the petitioner are said to have assaulted the informant's side brutally with deadly weapons due to which they sustained several injuries.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. Both the



parties are agnates. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is admitted land dispute between the parties. Both sides have filed cases against each other. The informant's side have sustained several injuries, but nature of the injuries cannot be determined as it is not mentioned in the impugned order whether the injuries sustained by the informant's side are simple or grievous. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that there is specific allegation against the petitioner that he assaulted the informant's father, aged about 69 years old, with lathi due to which he sustained injury on his head, which is a vital party of the body. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of case, as there is specific allegation against the petitioner that he assaulted the informant's father, aged about 69 years, on his head, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned



Court below within six weeks from today and seeks regular bail,
the learned Court below shall pass order on the same day in
accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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