

Arising Out of PS. Case No.-322 Year-2023 Thana- NAANPUR District- Sitamarhi

- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

2 23-02-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Nanpur P.S. Case No.322/2023 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code, pending in the Court of learned S.D.J.M., Pupri, Sitamarhi.

3. In the nature of pleadings made in the anticipatory bail application, the Court is not inclined to entertain the anticipatory bail application of the petitioners as from perusal of the allegation as alleged in the F.I.R., it manifests that the father of the informant was assaulted on vital part of his body i.e. head



by the accused persons though the blow was not repeated but then from allegation, it manifests that the accused persons separately assaulted him one by one as such three injuries were found on the head. The learned counsel submits that no doubt three injuries were there but then it is not the case of the prosecution that the blow was repeated and till date the nature of injury has not been opined and the F.I.R. came to be instituted after a delay of 17 days.

4. Learned A.P.P. for the State Mr. Chandra Bhushan Prasad vehemently opposes the prayer for anticipatory bail of the petitioners and submits that what is not in dispute rather stands admitted is that there are three injuries on the head of the father of the informant and the petitioners are alleged to have assaulted one by one. It is next submitted that even one blow on the head is enough to cause death, here the petitioners separately assaulted him thrice, it is also submitted that no doubt there is some delay in instituting the F.I.R. but then the delay is not fatal. It is also submitted that even if the injury is said to be simple then also in the nature of allegation, the court should be reluctant in granting anticipatory bail to the petitioners but then in the same breath it is submitted that since till date the opinion has not come, which amply demonstrates that the injury was not



simple.

5. Considering the submissions made by the learned APP, the court is not inclined to grant anticipatory bail application to the petitioners.

6. Accordingly, the anticipatory bail application of the petitioners stands rejected.

(Satyavrat Verma, J)

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