

Arising Out of PS. Case No.-242 Year-2023 Thana- BENIPATTI District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha- Sr. Advocate Mr. Rana Bhupendra Narayan Singh- Advocate Mr. Alexander Ashok- Advocate
For the State	:	Mr. Bharat Lal- A.P.P.
For the Informant	:	Mr. Shailendra Kumar Jha- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-09-2024 1. Heard learned senior counsel for the petitioner, the
learned counsel appearing on behalf of the informant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in Benipatti P. S. Case No.242 of 2023 registered for the offences punishable under Sections 447, 341, 323, 324, 307, 354B, 379, 427 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dayan Act.

3. The learned senior counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that the accused persons came and asked her to remove the straw from their land. Further, petitioner gave



repeated blow of *farsa* on her forehead and head causing injury while on orders of Md. Rajik, accused Firoj assaulted her by an iron rod causing injury on head. Thereafter, Mahmood and Izhar dragged her while Maqsood assaulted her by leg causing injury to private part.

4. The learned counsel appearing on behalf of the petitioner submits that on account of dispute relating to land, the petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that so many accused persons including the petitioner assaulted on various part of her body, but then, from perusal of the order impugned, it would manifest that only one incised wound was found on her person. It is also submitted that injury report has been annexed as Annexure-3 to the anticipatory bail application and from perusal of the same, it would manifest that the informant suffered an incised wound on forehead right side parietal region and one teeth was broken and had pain all over the body. It is next submitted that the injury no.1 was sharp cut and injury no.2 is opined to be grievous may be dangerous to life. It is thus submitted that so many accused is alleged to have assaulted, but then, injured suffered two external injuries, which causes



aspersion on the allegation of assault by the petitioner.

5. The learned A.P.P. and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits that informant is an old lady aged about 72 years and one of the injuries found on her body i.e. broken teeth is opined to be grievous and dangerous to life and has also suffered sharp cut injury on forehead and the petitioner is alleged to have assaulted.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The prayer of the petitioner for anticipatory bail is rejected accordingly.

(Satyavrat Verma, J)

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