

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47327 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- SURSAND District- Sitamarhi

Bablu Rai Son of Daroga Rai Resident Of Village- Sahaniyapatti P.S.-
Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Adv.
For the State : Mr.Dilip Kumar No.1, APP
For the Informant : Mr.Pramod Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 4 03-12-2024 Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Dilip Kumar No.1, learned APP for the State.
2. Petitioner is apprehending his arrest in connection with Sursand P.S. Case No.123 of 2024, registered for the offence punishable u/s 341, 323, 324, 354, 379, 504, 506, 34 of the IPC.
3. Allegation against the petitioner is of assaulting one Sujit Kumar with dabiya.
4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged has ever taken place. There is an admitted land dispute between the



parties and coupled with that, for the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injuries. Earlier, the petitioner's side has lodged Sursand P.S. Case No.122/2024 against the informant's side, thereafter, the present case has been filed. Though the doctor has opined that the injury of the injured is sharp cut injury and may be dangerous to life but has not specifically opined that the same is grievous in nature. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the petitioner. It is further submitted that the uncle of the present petitioner has lodged Sursand P.S. Case No.122/2024 against the informant. In the said case filed with similar allegations and injury, a co-ordinate Bench of this Court has rejected the prayer for anticipatory bail of the injured of this case namely Sujit Kumar vide order dated 16.07.2024 passed in Cr. Misc. No.41983 of 2024, considering that the nature of injury was grievous.

6. Considering the aforesaid facts and circumstances and on perusal of the record, it is admitted that the injured has sustained injury which is dangerous to life. Further, the kinds of injury



designated as grievous are stated under section 320 of the IPC, wherein, in the 8th point, it is described “Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits” has been considered a grievous injury. The injury of the present injured comes under the purview of section 320 of the IPC.

7. Also, considering that in the counter-case, the petitioner has been rejected the privilege of anticipatory bail on the same grounds, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

8. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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