

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47703 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- GURARU District- Gaya

Shambhu Kumar Son of Ram Pyare Yadav R/O Vill.- Bahera, P.S.- Guraru,
Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Guraru P.S. Case No. 166 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506, 307, 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of assaulting the Informant, his son and his wife. The specific allegation has been made against the petitioner of assaulting the Informant by means of centering wood due to which he sustained serious injury upon his head.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is no independent/eye witness who has stated anything against the petitioner. He further submits that from the injury report, it appears that the injury sustained by the Informant is simple in nature. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence.

5. Learned counsel for the petitioner further submits that the co-accused Dipu Kumar has been granted regular bail by this Court vide order dated 13.03.2024 passed in Cr. Misc. No. 16766 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner stating that the allegation made against the petitioner is serious in nature. The petitioner is named accused in the F.I.R. and, thus, he does not deserve anticipatory bail.

7. Considering the entire facts and circumstances of the case and there being direct and specific allegation of assault against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the



petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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