

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50666 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Shankar Das Son Of Shivan Das Resident Of Raghapur, P.S. - Bibhutipur,
District - Samastipur, Bihar - 848211

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey,(App84)

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

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Bibhutipur P.S. case No. 462 of 2023, G.R. No. 1623 of 2023 instituted for the offences under Sections 147, 148, 341, 323, 324, 307, 354A, 379, 504 and 506 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the petitioner along with other accused persons, variously armed, assaulted the informant on his head due to which he sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has no criminal antecedent. There



is a case and counter case between the parties. There is 21 days delay in lodging the F.I.R. without any plausible explanation. There is no independent witnesses rather all are either interested witnesses or hearsay witnesses.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submits that there is specific allegation of assault attributed against the petitioner on the head of the informant. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the nature of accusation against the petitioner and the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner. The prayer is rejected.

7. However, if the petitioner surrenders in the Court below within a period of four weeks and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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