

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53421 of 2024

Arising Out of PS. Case No.-89 Year-2022 Thana- PIPRIYA District- Lakhisarai

Ram Kripal Kumar S/O Dilip Kumar @ Dilip Singh, R/O Village-
Ramchandrapur,P.S.-Piparia, Distt-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-09-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory
bail in connection with Piparia P.S. Case No.89/2022, registered
for offences punishable under Sections 341, 323, 307, 379 and
504/34 of the IPC.

3. The case of the prosecution, in brief, is that on
the alleged date of occurrence i.e. on 24.12.2022, the accused
persons, including the petitioner herein, had engaged in cutting
crops from the field of the informant and when the informant
had arrived and raised protest, the accused persons had assaulted
him and other members of the prosecution party. As far as the
petitioner is concerned, he is alleged to have assaulted Mantu
Kumar on his head by iron *khanti* (rod) with an intention to kill



him, causing grievous head injury to him, as also leading to blood oozing out from his head whereafter, he had fallen down on the ground.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a fair antecedent. The learned counsel for the petitioner has further submitted that the petitioner has got no role in the alleged occurrence, hence he should be granted bail. The learned counsel for the petitioner has also submitted that the police had filed final form qua the petitioner, however, the learned Magistrate has differed with the same and taken cognizance qua the petitioner for the offences alleged.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that since there is specific allegation against the petitioner of having assaulting Mantu Kumar on his head by iron *kanthi* (rod) and the injury report of Mantu Kumar also corroborates the same, inasmuch as the doctor has opined that the injury sustained by the said Mantu Kumar is grievous in nature, apart from the fact that there are ample materials in the case diary to show the complicity of the petitioner in the alleged crime, no sympathy



should be shown to the petitioner.

6. Having regard to the facts and circumstances of the case, taking into account the materials available on record as also in the case diary and considering the submissions made by the learned counsel for the parties, this Court finds that the petitioner is alleged to have inflicted a blow with iron *khanti* (rod) on the head of one Mantu Kumar, resulting in him sustaining grievous injury, which also stands corroborated from the injury report, hence I find that the present case is at least not a case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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