

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60730 of 2023

Arising Out of PS. Case No.-833 Year-2022 Thana- DEHRI TOWN District- Rohtas

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Dinesh Kumar Vishwakarma @ Dinesh Vishwakarma @ Jairam S/O Late
Janki Vishwakarma R/O Mohalla- New Dilia Ward No. 21, Ps. Dehri, Dist.
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 109 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is own cousin brother of the informant and informant is having dispute relating to land with his own brother Radha Krishna, who is also an accused in the present case. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that on orders of Radha Krishna, the accused persons including the petitioner are alleged to have assaulted the informant with iron rod causing injury on head but

then the allegation of assault is general and omnibus in nature *i.e.* there is no specific allegation of assault against any of the accused persons.

4. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that no doubt the allegation of assault is not specific but then the injuries suffered by the injured is grievous in nature and the blow is said to have been repeated as has been recorded in the order impugned. It is also submitted that it is very natural that when 4 or 5 accused persons will assault, then it is difficult to recollect that as to who has assaulted but then the nature of injuries suffered by the injured amply demonstrate that the accused persons participated in the occurrence of assault.

5. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to grant privilege of the anticipatory bail to the petitioner and therefore, his anticipatory bail application is hereby rejected.

(Satyavrat Verma, J)

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