

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63183 of 2024

Arising Out of PS. Case No.-244 Year-2018 Thana- MANJHAGARH District- Gopalganj

Pankaj Prasad @ Pankaj Kumar @ Chirala, Son of Santosh Prasad, Resident
of village- Jhajhwa, P.S.- Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024 1. Heard Mr. Pankaj Kumar Dubey, learned counsel
for the petitioner and Mr. Surendra Prasad Singh, learned APP
for the State.

2. The petitioner apprehends his arrest in
connection with Manjhagarh P.S. Case No. 244 of 2018 dated
16.08.2018 registered for the offences punishable under
Sections 448, 341, 323, 308, 379 and 504 read with Section 34
of the Indian Penal Code.

3. As per prosecution story, the informant alleged
that on 16.08.2018 at about 12:00 P.M., his son namely, Santosh
Prasad along with his son (petitioner) armed with danda and
iron rod, came at the door of his house. He further alleged that
both abused him and on protest, they assaulted him by danda
and iron rod. He further alleged that on alarm raised by him, his



daughter-in-law came to rescue him but both the accused persons assaulted her also and after entering into his house, they took away Rs. 85,000/- and ornaments.

4. Learned counsel appearing for the petitioner submits that the FIR has been registered under Sections 448, 341, 323, 308, 379 and 504 read with Section 34 of IPC but the offence under Section 308 of IPC is not made out and the offence under Section 379 of IPC is super addition, in fact the informant is grandfather of the petitioner and in the FIR, no motive on the part of the petitioner to commit the alleged offences has been revealed by the informant and the instant matter relates to family dispute. Learned counsel further submits that as per the allegation, the petitioner assaulted the informant at his head but the Doctor concerned who examined the informant has not given his opinion with regard to the nature of injury of the informant and in this regard, order impugned may be perused. Learned counsel further submits that the petitioner is 20 years old person having fair and clean antecedent.

5. Learned APP for the State has opposed the prayer for bail.

6. Heard both the sides and perused the FIR. The FIR has been registered by the grandfather of the petitioner and



as per the allegation, the petitioner and his father equipped with danda and irod rod came at the house of the informant and thereafter, started abusing him and after that the petitioner assaulted at the head of the informant by means of iron rod and also assaulted the informant’s daughter-in-law who came to save him. As per the order impugned, on the head of the informant, two injuries were found which corroborates the allegation appearing against the petitioner, and also, the case is under investigation. Considering all these facts, this Court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, prayer of the petitioner stands rejected.

(Shailendra Singh, J)

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