

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63246 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Nageshwar Prasad Son of Banarsi Sah Resident of village- Majhauiliya, Ps-
Pakaridayal, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Gulnar Begum, APP
For the Informant	:	Mr. Paras Nath, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 342, 323, 325 and 307/34 of the Indian Penal Code asnd Sections 25(1-B)A, 26 and 27 of the Arms Act.

3. As per allegation in the FIR, petitioner and other co-accused persons tried to made firing by pistol but which did not make fire, thereafter they assaulted the informant with the butt of the pistol due to which, he received injury on his head.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that nothing incriminating material has been recovered



from the possession of the petitioner and petitioner has got one criminal antecedent.

5. Learned APP for the State as well as learned counsel for the Informant have opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the Informant submits that there is direct involvement of the petitioner in the alleged crime.

6. On perusal of the first information report, case diary, injury report and impugned order dated 02.08.2024, it appears that the petitioner along with others assaulted the informant by the butt of the pistol and in para-70 of the case diary, injury report of the informant is mentioned, where the informant sustained injury on his head which is on the vital part of the body. It appears from perusal of the injury report that injuries found is that CLW of approx size 1/2" X 1/4" on frontal head, CLW of approx size 1" X 1/2" X 1/4" on right parieto occipital region, CLW of punctured size one occipital head and abrasion of size 1/2" X 1/2" over frontal head and patient was referred to Sadar Hospital, Motihari and the opinion of the doctor has been reserved and it appears from perusal of case diary that there is sufficient material available against this petitioner regarding his involvement in the present case,



considering which, I am not inclined to grant anticipatory bail to the petitioner.

7. Prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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