

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65940 of 2024

Arising Out of PS. Case No.-209 Year-2024 Thana- SAHPUR District- Bhojpur

Vishal Tiwari @ Bhola Tiwari @ Bishal Tiwari Son of Rabindra Tiwari
Resident of Village- Barisawan, PS- Shahpur, District -Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Kumar
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad
For the Informant :	Mr. Bimal Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-09-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State, Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his son, Ravishankar was cleaning the roof, when some droplets of water fell on the house of Raviranjan and Vishal (petitioner), on which both started abusing, but his son said that the water was spilled by mistake, thereafter, the accused persons came and on orders of Rajendra, Balbu



assaulted his son by rod causing injury on head, petitioner assaulted his son by rod causing injury near his right eye, when younger son of the informant Umashankar came to save his brother, he was also assaulted by the Raviranjana by a rod causing injury on head and thereafter accused assaulted the informant and petitioner took Rs. 35,000/-, on alarm people gathered when they fled threatening.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that petitioner is alleged to have assaulted Ravishankar by an iron rod causing injury near his right eye, but then it is submitted that from perusal of the injury report (Annexure-3), it would manifest that Ravishankar did not receive any injury near his eye, which casts an aspersion on the case of the prosecution that as to whether informant is an eye witness to the occurrence or not.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad and learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner and submits that from perusal of injury report (Annexure-3), it would manifest that the injury received by the injured is grievous in nature. The learned APP next submits that a



submission has been made on behalf of the learned counsel appearing on behalf of the petitioner that no injury was found near the eye, but then draws the attention of the Court to the injury report and submits that the doctor has recorded that the injured suffered injury in right peri orbital region apart from other frontal parts, it is next submitted that peri orbital region is the area around the eyes that includes the upper and lower eyelids and the eyebrow, the peri orbital region is bounded by the forehead above, the temple to the side, the glabella to the middle and mid face below. It is submitted, at the cost of repetition, that the doctor has opined the injury to be grievous.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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