

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67073 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- DURAULI District- Siwan

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Dau Pandey @ Dau @ Prabhash Pandey son of Girdhar Gopal Pandey
Resident of Village - Duba, Ps- Darauli, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 06-12-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Darauli P.S. Case No. 41 of 2023, registered on 20.02.2023 for the offences under Sections 341, 323, 325, 307, 379 and 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with other co-accused persons, who were armed with small *labda* and iron rod, started assaulting the informant causing fracture of hand and injury on the head and even when the informant fell down, they continued their assault and while fleeing away from the spot they took away gold chain and Rs.4,000/- from the informant.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this case. The instant case has been filed in retaliation to Darauli P.S. Case No. 41 of 2023 filed by the petitioner against the informant side in which the present informant is one of the accused persons and for saving his skin, the instant case has been lodged with false allegation. There is case and counter case and both the parties scuffled with each other due to land dispute. No case for the offences under Sections 307 and 379 IPC is made out against the petitioner who is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that the informant received multiple injuries on his parietal region.

6. Having regard to the facts and circumstances and considering the allegation of assault and corresponding injuries on the head of the informant, I am not inclined to enlarge the petitioner on anticipatory bail and accordingly, his prayer for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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