

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70694 of 2023

Arising Out of PS. Case No.-154 Year-2020 Thana- CHHATAPUR District- Supaul

Md Mustaque Son of Md Ishaque Resident of Village-Rampur Ward No 06,
P.S. Chhatapur, District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 27-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Chhatapur P.S. Case No. 154 of 2020 registered for the offences punishable under Sections 341, 323, 324, 325, 354 A, 504 and 506/34 of the Indian Penal Code.
3. At the outset, it is submitted that earlier this case was not registered under Section 307 of the Indian Penal Code but later during the course of investigation cognizance was taken by learned Jurisdictional Magistrate under Section 307 of the Indian Penal Code.
4. The allegation against the petitioner is to assault



informant and family members by means of *farsa* causing head and other bodily injuries having intention to cause their death, where occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case out of neighborhood disputes and differences. It is submitted that alleged assault is not repeated without having any intervening circumstances and as such it can be gathered safely that petitioner was not under “intention to cause death” of injured wife of informant, which is a prime consideration to make out a case under Section 307 of the IPC. It is also pointed out that present FIR was lodged with a delay of four days, suggesting an afterthought. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that wife of informant received two grievous head injuries specifically caused by this petitioner, which is apparent from report dated 12.07.2020 as issued by Dr. Naveen Kumar, to officer in-charge of Chattapur Police Station, Supaul.

7. In view of the facts and circumstances as



mentioned above as petitioner alleged to specifically caused repeated grievous head injuries to the wife of the informant during the course of occurrence, the prayer of anticipatory bail of the petitioner is rejected herewith.

(Chandra Shekhar Jha, J.)

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