

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77857 of 2023**

Arising Out of PS. Case No.-395 Year-2023 Thana- CHANPATIA District- West Champaran

Mithu Singh @ Diwakar Kumar Singh S/O Chuman Singh Village- Chaubey
Tola, P.S. Chanpatiya, Distt. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Thakur, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-01-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Chanpatia P.S. Case No.395 of 2023 registered for the offences punishable under Sections 341, 323, 308, 379, 504 and 506/34 of the Indian Penal Code. The petitioner has got five criminal antecedents and he is said to be on bail in all the cases.

3. As per the prosecution story, the allegation against the petitioner is that he had allegedly assaulted the informant by a hammer on his head due to which he received head injury and took away Rs.47,000/- from his 'galla'.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case with ulterior motive. Learned counsel submits that the entire allegations are false and concocted as no such occurrence ever took place in the manner as alleged.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein this Court has noticed that the petitioner had allegedly assaulted the informant by a hammer on his head causing head injury and the same is being corroborated by the injury report noticed by the learned court below in the impugned order and further that for the said injury the informant was admitted in the hospital for treatment, this petitioner is having five criminal antecedents and some of them are serious in nature, therefore, this Court is not inclined to grant privilege of anticipatory bail to the petitioner on the ground that now the informant has compromised with him. His prayer is refused.

7. This application is dismissed.

8. In case the petitioner surrenders and prays for



regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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