

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78948 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SINGHESHWAR District- Madhepura

Md. Shamim Raj @ Samim Raj Son of Late Tajuddin R/o vill - Jhitkiya, ward
no. 2, P.S. - Singheshwar, Distt. - Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shahid Aqubal, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 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 Singheshwar P.S. Case No. 124 of 2023 registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, on 04.05.2023 at 9 pm, petitioner along with FIR named accused and 10-15 unknown persons came at the house of the informant and started abusing him. It is alleged that the petitioner assaulted the informant with an iron rod causing injury on his head. It is further alleged that when the informant's wife and daughter



came to his rescue, they were also assaulted.

4. Learned counsel for the petitioner submits that there is a case and counter case between the parties and the petitioner has been falsely implicated in this case with a view to save his own skin from the case by the informant. The alleged occurrence took place on 04.05.2023 whereas FIR has been lodged on 06.05.2023.

5. On the other hand learned APP for the State submits that there is a specific allegation against the petitioner that he had assaulted the informant on his head by an iron rod. It is submitted that there is further allegation that when the wife and daughter of the informant came to save him they were also assaulted.

6. It is pointed out with reference to the injury report that the Doctor has found fracture of left temporal bone with fracture extended into the right temporal and right parietal and right temporal bone, therefore learned counsel submits that fatal injury has been caused to the informant and that is specifically attributed to the petitioner.

7. Having regard to the facts and circumstances of the case, there being specific allegation of assault and the injury report is showing that serious kind of injury which may be fatal



to the life of the informant has been caused, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is refused.

8. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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