

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81767 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- KHAIRA District- Saran

Sankar Prasad @ Rama Shankar Prasad Son Of Late Vishwanath Prasad R/O
Village- Aphaur, P.S.- Khaira, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Ms. Vagisha Pragya Vacaknavi, Adv
For the State	: Mr. Manoj Kumar, APP
For the Informant	: Mr. Ashok Kr. Mishra with Ms. Pratibha Srivastava, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Khaira (Nagra OP) PS Case No. 275 of 2023 dated 26-07-2023,
instituted under Sections 341, 323, 324, 354(B), 307, 504 and
506/34 of the I.P.C.

3. The prosecution case, in short, is that while the
informant was accumulating the scattered bricks in his house,
the petitioner and other accused persons reached there and
started abusing him. On protest, all the accused persons
assaulted him with *lathi*, *danda* and iron rods. It is alleged that
the petitioner assaulted him by means of iron rods, causing



grievous injury on his head. The accused persons have also outraged the modesty of the informant's daughter-in-law.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is case and counter case between the parties. The petitioner and informant are agnates. Lastly, it is submitted that the petitioner is a man of clean antecedent.

5. The learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail. It is submitted that there is specific allegation against the petitioner of assaulting the informant on his head causing grievous injury.

6. Earlier this Court had called for the case diary, which has been received. The injury report of the informant is annexed at paragraph 13 of the case diary, which reveals fracture involving left Zygomatic arch on the left parietal bone and nature of injury is stated to be grievous, caused by hard and blunt substance.

7. Considering the aforesaid facts of the case as well as the nature of injury and the specific allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. Prayer for pre-arrest bail is rejected.



8. However, if the petitioner surrenders before the learned court below within six weeks and prays for regular bail, the same shall be considered and disposed of on its own merit without being prejudiced by this order.

(Khatim Reza, J)

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