

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68030 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- BARAHAT District- Banka

Sanjay Madaiya @ Sanjay Son of Jagannath Madaiya Resident of Village-
Darae, PS- Poraiyahat, District- Godda(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Mr. Pratyush Pratap Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 17-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner apprehends arrest in connection with
Barahat P.S. Case No. 108 of 2024, registered under Sections
341, 323, 307, 325, 379, 504, 506 and 34 of the Indian Penal
Code.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons assaulted the informant
with sharp cut weapon due to which he sustained injury on his
left hand and left side of his forehead.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Learned counsel for the petitioner also submits that there is delay of two days in lodging the FIR. There is no specific allegation of any overt act against the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 19.11.2024 passed in Cr. Misc. No. 65299 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that petitioner along with other co-accused persons assaulted the informant with sharp cutting weapon and cut the hand off from the body of the informant. They also assaulted him over his head. As per injury report, the injury received by the informant is grievous in nature. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall



consider and dispose of the same on its own merit without being
prejudiced by this order.

(Rudra Prakash Mishra, J)

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