

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71840 of 2024

Arising Out of PS. Case No.-560 Year-2023 Thana- ROSERA District- Samastipur

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Amarjeet Sah S/o Late Narsingh Sah R/o Village- Mahuli, P.S.- Rosera,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 11-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Rosera P.S. Case no. 560 of 2023 instituted for the offence under Sections 341, 323, 324, 307, 325, 504, 506/34 of the Indian Penal Code.

3. Prosecution case in nutshell is that the petitioner along with other co-accused persons caught hold the petitioner, in front of his house and petitioner assaulted the informant by means of axe twice due to which he sustained head injuries. It is further alleged that when the wife & son of informant came to his rescue, petitioner dragged his wife and tried to outrage her modesty. It is further alleged that co-accused Saurabh Kumar



tried to assault the informant on his head by means of iron rod but he narrowly escaped and sustained injuries over his right hand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. It is further submitted that informant is the full brother of the petitioner and in the background of enmity, this case has been filed. The real fact is that petitioner has given Rs. 3,59,000/- (three lakh fifty nine thousand rupees) to the informant as consideration money for executing a sale deed for a piece of land but later on the informant changed his mind and neither he has executed the sale deed nor returned the money. There is inordinate delay of more than one day in lodging the F.I.R. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent.

5. Learned APP appearing for the state has vehemently opposed the prayer of bail and submitted that there is specific allegation against the petitioner to assault the informant, repeatedly, by means of axe with intention to kill him. From perusal of the injury report, it appears that the report in para 28 of case diary corroborates the prosecution version of the case and doctor has opined the injury inflicted on the head of



injured as grievous in nature. From perusal of the case diary (para 3, 4, 8 and 9), it appears that several witnesses has supported the prosecution version of the case. Considering the nature of injury and manner of assault, he does not deserve bail.

6. Having heard the learned counsel for the parties and considering the nature of allegation of making repetitive blow and the injury inflicted upon the head of injured is grievous in nature, as opined by the doctor, this court is not inclined to enlarge the petitioners on bail and, as such, his prayer for anticipatory bail stands rejected.

7. The petitioner is directed to surrender before learned court below and pray for regular bail and the same shall be considered by the court below, without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

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