

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85543 of 2024

Arising Out of PS. Case No.-271 Year-2024 Thana- RAXAUL District- East Champaran

Pushkar Singh @ Pushkar Kumar Singh Son of Santosh Singh @ Raghu Singh Resident of village- Gamahariya ward No. 02, PS- Raxaul, District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-01-2025 1. Heard learned Counsel for the petitioner and learned APP for the State.

2. This application, for grant of anticipatory bail, arises out of Raxaul P.S. Case No.271 of 2024, disclosing offences under Section 126(2), 115(2), 109, 352, 351/2, 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the FIR on the date of occurrence when the brother of the informant was returning home, the petitioner assaulted him by means of iron rod on his head and co-accused Shivam Kumar Singh assaulted the brother of the informant with *lathi* causing injury on his shoulder.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of



the fact that the brother of the informant was caught committing theft in the shop of the petitioner's father and was assaulted by the general public. Due to the aforesaid incident, the petitioner alongwith others have been made accused in the present case. Petitioner is having no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is specific allegation of assault against the petitioner on the head of the informant's brother and the victim has sustained grievous injury on his head, I am not inclined to exercise my discretion for grant of anticipatory bail.

6. This application is, accordingly, dismissed.

7. However the petitioner is granted liberty to surrender and seek regular bail from the learned District Court, if bail application is filed by the petitioner within four weeks, the concerned court may decide the same on its merit without being prejudiced that anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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