

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21822 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Sheo Rai @ Sheojee Rai Son of Deochand Rai, Resident of Village -
Gamhari Bathani Tola, Police Station - Baikunthpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh, -Advocate

For the Opposite Party/s : Mr. Anil Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI

ORAL ORDER

4 19-08-2015

Heard learned counsel for the petitioner as well as

learned APP.

Record of Cr.Misc.No.39354/2014 has been placed
by the office. After going through the same, it is evident that
Annexure-3 contains the same injury report relating to Kanhaiya
Prasad, informant which has been annexed with the present
petition as Annexure-4. At the present moment, it looks wise to
incorporate para-8 of Cr.Misc. No. 39354/2014:-

*“That from injury report of the informant it
appears that on vital part there is no grievous injury
rather the injury caused by the sharp cutting weapon
are simple in nature.*

*A true copy of injury report of Kanhaiya
Prasad is annexed herewith as Annexure-3 to this
petition.*

From perusal of Annexure-3 of



Cr.Misc.No.39354/2014 which happens to be Anneuxure-4 of the present petition, it is apparent that opinion was reserved till date of filing and on account thereof, the averments whatever made under para-8 of the petition happens to be contrary to the record. It is further found that the same has been incorporated to mislead the Court whereunder, ultimately, petitioner succeeded by having order of the bail in their favour vide order dated 15.10.2014.

Show-cause has been filed whereunder an unconditional apology has been sought for.

In the facts and circumstances of the case, I do not see it a fit case whereunder the prayer for the petitioners should be conceded to. That being so, bail granted to petitioners, Amresh Prasad and Sanjeet Prasad under Cr.Misc.No. 39354/2014 vide order dated 15.10.2014 is hereby recalled. Consequent thereupon, they are directed to surrender before the learned lower court within seven days failing which the learned lower court will proceed accordingly to procure their attendance.

Informant, Kanhaiya Prasad alleged that the accused persons so named therein along with others armed variously came along with tractor, raided his land, began to plough and when a protest was made on his behalf, Amresh Prasad gave a Farsa blow over his head followed by Karn Prasad as well as Sheo Rai

(petitioner) by means of Farsa over his head. Ramesh assaulted with Lathi. His nephew Sonu and wife Rinku Devi came in his rescue were assaulted by Hari Kishore Prasad and Vijay Rai with the back of Farsa and then all the accused persons made a house trespass and took away Rs. 10,000/- in cash as well as a golden chain from Rohila Devi. They have also ransacked the house.

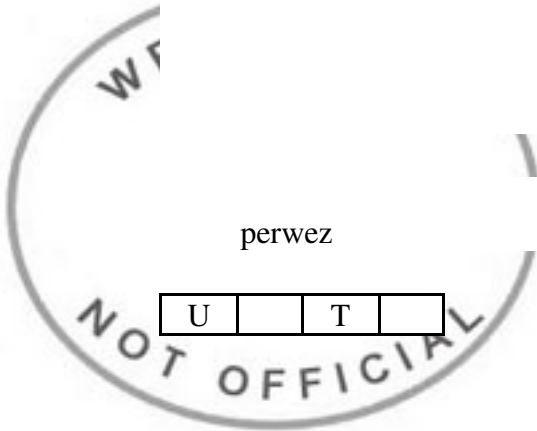
Informant, at an earlier occasion, on 14.06.2014 was examined by the doctor who had found following injuries over his person:-

1. Sharp cutting on the head 4"x1/2"x1/4"x scalp deep
2. Sharp cutting wound occipital region of scalp size 2"x1/2"x1/4"x scalp deep.
3. Bruise on right forearm size 3"x3"
4. Bruise on the right knee joint 2"
5. Bruise on the pelvic region.

The opinion with regard to nature of injuries were kept reserved, however, the injury no.1 and 2 were identified to be caused by sharp cutting weapon. Subsequently thereof, additional injury report has been issued wherefrom injury no.3 has been found grievous in nature and remaining simple in nature.

Furthermore, petitioner happens to be under custody since 11.03.2015. Accordingly, petitioner Sheo Rai @ Sheojee Rai is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the

satisfaction of Chief Judicial Magistrate, Gopalganj in connection
with Baikunthpur PS Case No. 106/2014.



(Aditya Kumar Trivedi, J)