

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23048 of 2015

Arising Out of PS.Case No. -304 Year- 2014 Thana -GHOSI District- JEHANABAD

- =====
1. Nitesh Kumar @ Nitish Singh, S/o Baleshwar Singh,
 2. Guddu Singh, S/o Girija Singh,
- Both R/o village- Daidi, P.S.-Ghosi, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 341, 324, 326, 307, 379/34 of the Indian Penal Code and the fact that there is an omnibus allegation of assault by as many as five to six persons on one Krishnanandan Singh, this Court, on perusal of the case diary, would find that not only there is only one injury recorded by the doctor by giving an injury report on 28.3.2015 in relation to his examination of injured on 8.11.2014 even when the petitioners are also said to have assaulted the injured person by lathi, this Court would be inclined to grant privilege of anticipatory bail to the petitioners who specially when the petitioners have got no criminal antecedent.

That being so, if the petitioners, namely, Nitesh Kumar @ Nitish Singh and Guddu Singh would surrender before the court



below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 304 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this

ground alone.

Before parting with, this Court must direct the Principal Secretary of the Health Department to take disciplinary action against the Doctor A. Sadguru, Medical Officer, Sadar Hospital, Jehanabad who has prepared the injury report in the date of 28.3.2015 as with regard to the findings of injury on Krishnandan Singh on 6.11.2014 and has also a cheek to say that such injury report has been prepared and given on 28.3.2015 because injury report was demanded by Amarnath Chauhan, S.I., P.S. Ghosi on 28.3.2015 inasmuch as the moment a doctor will examine an injured person in relation to a police case, it is his duty to send the injury report to the police. Therefore, prima-facie it appears that an ante-dated injury report has been prepared which may by and large adversely affect the case of prosecution.

Let a copy of this order be sent to the Principal Secretary of the Health Department for its compliance in letter and spirit who shall be also under obligation to send his action taken report to the registry of this Court within a period of two months of receipt of this order by him.

(Mihir Kumar Jha, J)

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