

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33705 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -PARSA District- SARAN

- =====
1. Rajeshwar Pd. Singh @ Rajeshwar Singh,
 2. Ajit Kumar Singh alias Ajit Singh,
 3. Amit Kumar alias Amit Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Amit Kumar Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-02-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,448,307,506 and 379/34 of the Indian Penal Code.

The accusation of making assault to the informant is against petitioner no. 1 whereas co accused Rahul Singh assaulted with sword on the head of the son of the informant namely Raju Kumar Singh when he fell down, then petitioner nos. 2 and 3 assaulted him with lathi. Subsequently, Raju Kumar Singh died on 21.5.2014.

It is submitted by the learned counsel for the petitioners that the petitioners are agnates of the informant and except one injury in the little finger of the informant, other injuries have been

found to be simple whereas the injury report of Raju Kumar Singh suggests one sharp cut injury on the skull which is alleged against co accused Rahul whereas other injuries are pain and swelling. Petitioner nos. 2 and 3 are alleged to have made assault with lathi, hence injury no. 1 cannot be attributed to petitioner nos. 2 and 3.

Learned counsel for the informant was granted adjournment to produce postmortem report of Raju Kumar Singh but he failed to produce the same. It is claimed by learned counsel for the petitioners that the victim Raju Kumar Singh died in PMCH due to old age complications, that is why the postmortem report was not brought on record during the investigation of the case.

Considering the fact that petitioner no. 1 caused one grievous injury to the informant, this court is not inclined to grant him anticipatory bail. Accordingly, prayer of petitioner no.1 is rejected.

Let the learned court below consider the prayer for regular bail of the petitioner no. 1 keeping in view that the grievous injury was caused in the little finger of the informant and he is agnate of the informant in case petitioner no. 1 surrenders within six weeks from today in connection with Parsa P.S. Case No. 36 of 2014 pending in the court of learned C.J.M., Saran at Chapra.

So far as petitioner nos. 2 and 3 are concerned, it appears that no substantial injury was caused by them to the victim Raju Kumar Singh and only substantial injury, as per the injury report, is attributed to co accused Rahul Singh, let the above named petitioner nos. 2 and 3 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Saran at Chapra in connection with the above mentioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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