

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32602 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -KASHICHAK District- NAWADA

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1. Santu Ram Son of Mahesh Ram
 2. Manoj Ram Son of Surendra Ram
 3. Sharwan Kumar, Son of Surendra Ram
 4. Nirmal Kumar Son of Naresh Ram
 5. Sajjo Kumar, Son of Gorelal Ram
 6. Pankaj Kumar, Son of Karu Ram
 7. Sajjo Kumar, Son of Nepal Ram, All are Resident of Village- Bali, P.S.- Kashichak (Shahpur O.P.), District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhileshwar Pd. Singh, Sr. Advocate
With Mr. Hansraj

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 14-08-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Kashichak P.S. Case No. 15 of 2015, disclosing offences under Sections 147,148,149,323,324,307,384 & 379 of the Indian Penal Code.

Learned senior counsel appearing on behalf of the petitioners, referring to the First Information Report, has submitted that difference over the drainage between the parties is the real reason behind institution of the present case which is a

exaggerated version of what in fact had taken place on the alleged date of occurrence. He has submitted, referring to Annexures-2 and 4 of the application that the injury upon the son of the informant has been found to be simple by the Medical Officer upon his examination. From the annexures, I find that one Dr. Birendra Kumar had submitted an injury report recording that nature of injury was simple caused by hard and blunt substance on 15.3.2015. There is another report on record which is dated 16.3.2015 which reads thus:-

“I am sending my Supplementary Report of Mukesh Yadav, 22 yrs, S/O Sharda Yadav of Vill: Ball Bigha, P.S: Kashichak (Shahpur O.P.) Dist: Nawada.

1. Sharp cutting:- 1”x ¼ “x Skin deep on head caused by sharp cutting weapon.
2. Fracture on head as shown by C.T. Scan Report of P.M.C.H. & Nature is Grievous.”

Again on 20.4.2015, he submitted another report to this effect:-

“I have to say that First Injury which has been issued by me on 15.3.2015 is true and second injury which has been given by me on 16.3.2015 is not true and issued only on the basis of suspicion. There no any fracture of bone at head of Mukesh Yadav.”

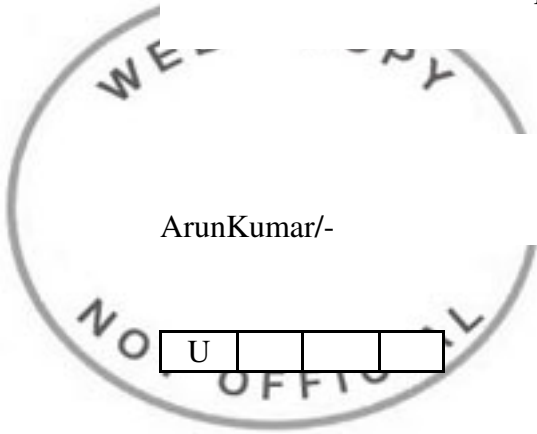


Though in view of the submissions made on behalf of the petitioners that they have no criminal antecedents and petty dispute between the parties is the genesis of the occurrence, this application for anticipatory bail is allowed. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Sharad Chandra Kumar, learned Judicial Magistrate, Ist Class, Nawada in Kashichak P.S. Case No. 15 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the Police/Court, as the case may be, and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall liable to be cancelled.

At the same time, I would direct the Principal Secretary, Health Department, Government of Bihar to enquire into the circumstance in which the same Medical Officer submitted two conflicting reports on 16.3.2015 and 20.4.2015, and take action, if required, against him accordingly.

Let a copy of this order be communicated to the
Principal Secretary, Health Department, Government of Bihar.



ArunKumar/-

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(Chakradhari Sharan Singh, J)