

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42732 of 2014

Arising Out of PS.Case No. -144 Year- 2014 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

Manish Kumar Son of Sri Inderdev Paswan Resident of Village - Koshuk,
P.S.- Deep Nagar, Distt. -Nalanda

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 20-03-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends arrest in Deepnagar P.S.
Case No. 144 of 2014 dated 18.06.2014 corresponding to G. R.
No. 1953 of 2014 instituted under Sections
341/323/307/379/506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits though the
alleged incident is said to have taken place at 7:35 P.M. on



17.06.2014 but inspite of the police station being hardly two kilometers away, the F.I.R. has been lodged only on 18.06.2014 at 10:30 P.M. for which there is no justification. Learned counsel submits that it was a mere accident when while playing cricket the ball hit by the petitioner struck on the head of the victim due to which he had ear and nose bleeding and also vomiting but the latter story of general assault by the petitioner and others and also taking away of golden chain and earring is false. It is submitted that even as per the medical report there is no fracture seen of any bone. Learned counsel submits that the petitioner is a young student having no criminal antecedent and a mere unfortunate accident is being blown out of proportion and giving the colour of a mob assault.

Learned A.P.P. submits that there is specific allegation of assault.

Learned counsel for the informant has also opposed the prayer for anticipatory bail. However, he has produced copies of medical report dated 17.06.2014 of Sadar Hospital, Nalanda, Bihar Sharif which indicates that the only complaint of the victim was ear, nose bleeding and vomiting and whether the same was a result of head injury has been written with an interrogation mark and the patient had been referred to P.M.C.H. for CAT scan. Thus,

it clearly indicates that when the victim was taken to Sadar Hospital, Nalanda, Bihar Sharif, the only complaint was that of bleeding from ear and nose and vomiting without any other complaint which could have indicated any assault as neither was there any general complaint of any body pain nor any sort of injury has been even referred to in the report of Sadar Hospital, Nalanda, Bihar Sharif dated 17.06.2014 at 8:24 P.M. Copies of the reports produced by learned counsel for the petitioner are being kept on record.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bihar Sharif, Nalanda in Deepnagar P.S. Case No. 144 of 2014 corresponding to G. R. No. 1953 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, one of the bailors shall be the father of the petitioner.

(Ahsanuddin Amanullah, J)

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