

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51467 of 2015

Arising Out of PS.Case No. -73 Year- 2015 Thana -AWTARNAGAR District- SARAN

1. Raunak Ansari @ Mithu,
2. Intijar Ansari, Alias Intjar Ansari Both sons of Azimuddin Ansari,
Resident of Village + Post- Narao, P.S.- Awatar Nagar, District- Saran
.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Ms. Asha Singh, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

10 04-04-2016 Heard learned counsel, appearing on behalf of the
petitioners, and the learned Addl. Public Prosecutor, appearing on
behalf of the State.

This application for grant of anticipatory bail arises out
of Awtar Nagar P.S.Case No. 73/2015, disclosing offences under
sections 147, 148, 149, 341, 323, 324, 307, 448, 379, 504 of the
Indian Penal Code.

In compliance of the order of this Court dated 28.3.2016
a supplementary show cause has been filed on behalf of
Superintendent, Patna Medical College and Hospital, Patna stating
therein that prompt action is being taken for transmission of the
injury reports etc. to the police. Following statement has been
made in paragraph 4 of the show cause:



"4. That thereafter, in compliance of the direction of the Superintendent, P.M.C.H., Patna, the employees of the Surgical Record Room, P.M.C.H., Patna as well as Ortho and Plastic Surgery Department have submitted their report to the deponent on 30.3.2016 informing therein that from 13.3.2016 to 30.3.2016 altogether 257 (236 Surgical Record Room and 21 from Ortho & Plastic Surgery Department) injury report have already been forwarded to concerned Police Station/ Hon'ble Court and further assured that upon receipt of demand letter, the injury report is being sent to the concerned P.S. without delay."

It has been stated that the injury reports are being regularly forwarded to the concerned Police Stations and all possible sincere efforts are being taken by the deponent for quick disposal of injury/ X-ray/CT Scan reports to the concerned Police Stations in the matters relating to police investigation.

For the present, it is just indicated that any lapse on the part of the Government hospitals in transmitting the injury reports to the police in the matters relating to pending investigation shall be viewed seriously by this Court since lapse of such nature is a serious obstruction in completion of investigation.

Learned counsel for the petitioners has submitted that all the injuries have been found to be simple in nature, which falsifies the prosecution case. She has further submitted that it is evident

from the First Information Report that the occurrence took place because of land dispute and implication of section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act is merely ornamental in nature.

I find substance in the submissions advanced on behalf of the petitioners. This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, 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 the Chief Judicial Magistrate, Saran at Chapra in Awtar Nagar P.S. Case No. 73/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as 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 be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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