

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45048 of 2016

Arising Out of PS.Case No. -413 Year- 2015 Thana -BIRAUL District- DARBHANGA

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1. Krishna Kumar Kunwar S/o Late Bisho Kunwar
 2. Sushil Kumar Kunwar @ Sushil Kunwar S/o Late Bisho Kunwar
 3. Anil Kunwar @ Anil Kumar Kunwar S/o Late Bisho Kunwar
 4. Ratnesh Kunwar @ Ratan Kunwar S/o Late Ram Udgar Kunwar
 5. Dev Chandra Kunwar S/o Late Nagi Kunwar
 6. Bittu Kunwar @ Praveen Kumar Kunwar @ Bittu S/o Krishna Kumar Kunwar
 7. Mithun S/o Sushil Kunwar
 8. Kunal S/o Dev Chand Kunwar All are R/o Village Navtol, P.S. - Biraul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 22-12-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Biraul P.S. Case No. 413 of 2015 registered under Sections-427, 380, 307 & other minor sections of the Indian Penal Code.

Petitioners are named in the first information report and there is specific allegation against petitioner No. 1 that he gave farsa blow, which was warded off by the informant with his right hand, as a result whereof, he sustained injury on his right hand and, thereafter, petitioner No. 2 hurled farsa, which was



again warded off by the informant as a result whereof, he again sustained injury on his right thumb and so far as petitioner No. 4 is concerned; it is stated that he, too, gave Tangari blow causing head injury to the informant.

Annexure-3 to the petition goes to show that the informant sustained altogether five injuries and almost all the injuries were found on his palm, hand etc. The doctor opined that three injuries were caused by sharp cutting weapon whereas; two injuries were caused by hard and blunt substance. Moreover, all the injuries were found simple in nature and therefore, even if, the aforesaid injury reports as well as allegation are taken into consideration, then also, Section-324 of the Indian Penal Code appears to be applicable in the present case.

Considering the above-said facts and circumstances of the case as well as submission of the parties, this anticipatory bail petition is allowed and it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Biraul P.S. Case No. 413 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate,



Benipur, Darbhanga subject to condition as laid down u/S 438(2)
of the Code of Criminal Procedure Code.

(Hemant Kumar Srivastava, J)

A.K.V./-

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