

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24536 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -BHANGWANPUR HAT District- SIWAN

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Kundan Thakur @ Kundan Kumar, S/o Ravinder Thakur, resident of
village- Tarwar, P.S.- Bhagwanpur Hat, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-05-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

The prosecution case is that the accused persons came on dalan of the informant with deadly weapons and started abusing. On protest being made, co-accused Ashish Kumar Thakur assaulted the wife of the informant on her head, as a result she got unconscious. When the granddaughter of the informant Neha Kumari came to rescue, then petitioner Kundan Thakur @ Kunda Kumar assaulted her with Axe. When the informant went to pacify the matter, then accused persons also assaulted him.



It is submitted by the learned counsel for the petitioner that learned Sessions Judge has committed error on record by recording that the petitioner assaulted the wife of the informant. The injury report of Neha Kumar, who alleged to have assaulted by the petitioner is not on record. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That it is stated that the specific allegation against the petitioner is that he assaulted with ‘Dab’ on the grand-daughter of the informant. However there is no injury on record of the said Neha Kumari, grand-daughter of the informant and the doctor of the concerned hospital has reported that she was not examined.”

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for three months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Bhagwanpur P.S. Case No. 40 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Provisional bail of the petitioner will be confirmed by the learned court below after verifying from the record that grand-daughter of the informant Neha Kumari has not received any grievous injury, but if it is found that Neha Kumari has received grievous injury then the petitioner shall

surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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