

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30845 of 2016

Arising Out of PS.Case No. -1394 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Ajit Kumar Son of Devidin Prasad
 2. Guddu Kumar Son of Devidin Prasad
 3. Devidin Prasad Son of Late Antu Ram All are resident of Mohalla-
Chamar Takiya, P.S.- Sasaram, District- Rohtas.
 4. Jai Prakash Gupta Son of Gulabchand Prakash @ Gulabchand Sah
Resident of Mohalla- Takiya, P.S.- Sasaram Model, District- Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Yogesh Chandra Verma, Sr. Advocate.

For the Opposite Party : Mr.. Reena Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-09-2016 Learned counsel for the petitioners submits that the petitioner no. 1 has already been arrested. Accordingly, prayer for anticipatory bail of the petitioner no. 1 Ajit Kumar is dismissed as has become infructuous.

Heard Shri Yogesh Chandra Verma, learned senior counsel for the petitioners, learned counsel for the informant and the learned APP for the State.

The petitioner no. 2 to 4 apprehend their arrest in Sasaram Town P.S. Case No. 1394 of 2015 registered for the offences punishable under Sections 341, 323, 325, 307, 406 and 34 of the Indian Penal Code.



The informant named the petitioners and two other unknown persons and alleged that Ajit Kumar, petitioner no. 1 assaulted him with iron rod on his head when he went to demand his arrears from Devidin Prasad, petitioner no. 3. Guddu Kumar, petitioner no. 2 assaulted the informant with iron rod on his hand. The informant further alleged that the accused persons including the two unknown persons repeatedly assaulted him.

Shri Yogesh Chandra Verma, learned senior counsel for the petitioners has submitted that the informant has got only injury on his head which is opined to be simple in nature and the author of that injury is Ajit Kumar, petitioner no. 1 who has already been arrested. The opinion with regard to injury found on the hand is kept reserved. There is no allegation of assault against petitioner no. 3 and 4 Devidin Prasad and Jai Prakash Gupta. Devidin Prasad has also filed Complaint Case No. 1639 of 2015 making same and similar allegations.

Learned counsel for the informant as well as learned APP for the State opposed the prayer for anticipatory bail of the petitioners and submitted that the injuries found on the hand of the informant is opined to be grievous in nature as the bone of the hand was found fractured.

Taking into consideration the fact that Guddu Kumar,

petitioner no. 2 is the author of the injury found on the hand which is opined to be grievous in nature, I am not inclined to enlarge Guddu Kumar, petitioner no. 2 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 3 and 4 Devidin Prasad and Jai Prakash Gupta is concerned, there is no allegation of assault against them, the petitioner no. 3 and 4, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sasaram in Sasaram Town P.S. Case No. 1394 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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