

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.37863 of 2016**

Arising Out of PS.Case No. -78 Year- 2016 Thana -TATARPUR District- BHAGALPUR

Deepak Kumar Bajoriya @ Deepak Bajoriya, son of Atma Ram Bajoriya,  
resident of Bikramshila Colony, Urdu Bazar, P.S. Tatarpur, District,  
Bhagalpur

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Praveen Kumar, Advocate

For the State : Dr. Ajeet Kumar, A.P.P.

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**  
**ORAL ORDER**

2      20-09-2016                      I have heard learned counsel for the petitioner and  
the State.

The petitioner apprehends his arrest in a case  
registered for offences punishable under Sections 341, 323, 324,  
307 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this  
case has been filed as a counter blast to the complaint case being  
no.1413 of 2015, a copy of which has been appended as Annexure  
2 series in which cognizance has already been taken against the  
informant on 02.04.2016 and ultimately, non-bailable warrant of



arrest was also issued. It is contended that though the occurrence is said to have taken place on 03.06.2016 and the ferdbyan was recorded in the hospital on 04.06.2016 but the cover page of the F.I.R. shows that the date of occurrence is 09.06.2016 and the date of information was given to the police station on 12.06.2016. It is contended that it is highly improbable that in the same town, the F.I.R. recorded by the police would reach the police station after about 8 days, even if it is assumed that date of occurrence given on the cover page of the F.I.R. is a writing error. Learned counsel has pointed out from the order of the sessions judge that, after perusal of the case diary, he has come to the conclusion that the I.O. had gone to the medical college for obtaining the medical report but the compounder told him that injury report has not been prepared. This casts serious doubt over the manner of occurrence and at best the petitioner is order giver as the blow of dagger was allegedly given by the co-accused Rohit Churiwala.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Tatarpur P.S. Case No. 78 of 2016, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees)

with two sureties of the like amount each to the satisfaction of A.C.J.M. 7<sup>th</sup>, Bhagalpur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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