

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41256 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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1. Bhola Prasad, son of late Brahmdeo Yadav
2. Bhushan Kumar
3. Sarbind Kumar
Both are sons of Bhola Prasad,
All are resident of Village- Dhibrapar, P.S.- Tharthari, District- Nalanda.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance:
For the Petitioner/s : Mr. Awadhesh Kumar Yadav, Advocate.
For the Opposite Party/s : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-10-2016 Heard both sides.

The petitioners, namely, Bhola Prasad, Bhushan Kumar and Sarbind Kumar apprehend their arrest in Tharthari P.S. Case No. 75/16 registered under Section 307 and other sections of the Indian Penal Code.

The informant alleged that while Dipak Kumar was taking water from hand-pump, Bhushan Kumar, son of the younger brother of the informant, asked him not to take water and slapped him. There was verbal altercation between Dipak and Bhola Prasad. When the informant intervened to pacify the matter, Bhola Prasad assaulted the informant with spear on his head. When the son of the informant came to save him, Bhola Prasad

also assaulted him with Gadansa on his head and Sarbind Kumar assaulted the son of the informant with bricks causing injury on his head.

Learned counsel for the petitioners submits that the informant got simple injuries. The injuries are contusion and lacerated wound over the head and both the injuries are simple injuries. There is no allegation of assault against the petitioner no. 2 Bhushan Kumar. The informant Raj Kumar Prasad is own brother of petitioner no. 1 Bhola Prasad and the occurrence took place due to land dispute. There is a counter-version being Tharthari P.S. Case No. 76/16.

Learned counsel for the informant as well as learned A.P.P. has opposed the prayer for anticipatory bail.

It appears from perusal of the F.I.R. that petitioner no. 2 Bhushan Kumar is alleged to have assaulted Ranju Kumari, the daughter of the informant, but she got simple injury. Sarbind Kumar, petitioner no. 3, and Bhola Prasad, petitioner no. 1, are alleged to have assaulted the informant and the son of the informant. On account of the assault made by Bhola Prasad, the informant Raj Kumar Prasad got injuries over right scapula and forehead and both the injuries are opined by the doctor to be simple in nature. On account of the assault made by Sarbind

Kumar, Pramod Prasad got injuries on his nose and forehead. Injury no. 1 and 4 are found to be simple and injury no. 2 and 3 are grievous.

Considering the facts and circumstances aforesaid, I am not inclined to enlarge the petitioner no. 1 and 3, namely, Bhola Prasad and Sarbind Kumar on anticipatory bail in Tharthari P.S. Case No. 75/16. Accordingly, the same is rejected.

So far as the case of petitioner no. 2 Bhushan Kumar is concerned, he is alleged to have assaulted the daughter of the informant who got simple injury, considering the fact, the above named petitioner no. 2, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged 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 learned A.C.J.M., Hilsa, District Nalanda in Tharthari P.S. Case No. 75/16, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Dilip/-

(Prabhat Kumar Jha, J)

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