

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35460 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -KASHICHAK District- NAWADA

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1. Chandan Kumar Son of Rabriksh Yadav, resident of Village- Benipur,
P.S.- Kashichak, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-09-2016

Heard both sides.

The petitioner is facing prosecution under Section 307 of the IPC and other allied penal provisions of the IPC vide Kashichak P.S. case no. 22 of 2016.

In relation to the said occurrence there is another case lodged by the petitioner under Section 307 of the IPC vide Kashichak P.S. case no. 21 of 2016 (Annexure-2).The prosecution case, in short, is that the she goat of the informant had strayed into the field of one Ram Briksha Yadav. On account of this, there was altercation between the parties. It is alleged that on the date of occurrence, the accused persons came onto the ‘darwaja’ and specific allegation of assault by ‘Garasa’ on head of the co-villager Bishundeo Ram is attributed to the petitioner. So far the



informant is concerned, there is no allegation of assault attributed to the petitioner. The injured Bishundeo Ram received one lacerated wound 2"x 1/4"x skin deep on head. It is submitted with reference to the injury report of the petitioner enclosed along with the supplementary affidavit that the petitioner was also examined by the Doctor and one lacerated wound of 1/2 "x 1/4" x skin deep was found on his head, which according to the counter version, is attributed to Bishundeo Ram. The cause of the occurrence in the counter case is also the same. On this basis, it has been submitted that there was scuffle between both the parties in which both parties received injuries. It is also submitted that the injury report of Bishundeo Ram does not support the prosecution case as no incised wound was found on the person of Bishundeo Ram. It is further stated that the petitioner has no criminal antecedents.

Considering the above, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Kashichak P.S. case no. 22 of 2016, subject to the

condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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