

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55635 of 2017**

Arising Out of PS.Case No. -102 Year- 2017 Thana -MATIHANI District- BEGUSARAI

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Binish Kumar, S/o Anil Singh, R/o Village- Matihani, P.S.- Matihani,  
District- Begusarai.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar-1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2      23-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Matihani P.S.**

**Case No. 102 of 2017** instituted for the offence under Sections  
341, 323, 307, 379, 447 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that  
there has been injury on both sides. The petitioner and his other  
family members have also sustained injury at the hands of the  
informant and they have been admitted in Government Hospital,  
Matihani. Thereafter, the petitioner was referred to PMCH for  
treatment. The medical prescription has been enclosed as  
Annexure-3. The instant case is a counter blast of Matihani P.S.  
Case No. 103 of 2017 filed by *Bhabhi* of the petitioner against the  
informant and others.



The learned Sessions Judge has mentioned in the impugned order that injury found on the person of the informant was simple in nature.

In the written report it is alleged that the petitioner assaulted the informant with iron rod on the head. It is mentioned in the impugned order by the Sessions judge that the injury found on the person of the informant was simple in nature.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Matihani P.S. Case No. 102 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-III, Begusarai**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or



the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

**(Sanjay Priya, J)**

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