

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6320 of 2018

Arising Out of PS. Case No.-226 Year-2017 Thana- CHANPATIA District- West Champaran

Santosh Ram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,324,308,379 and 504 of the IPC.

The prosecution case as per the fardbeyan of Amar Ram, recorded by S.I. Jitendra Prasad Singh, Bettiah Town Police Station on 2.6.2017 at 5.45 P.M. is to the effect that on 30.5.2017, the informant was returning home after selling fish. On the way, near the house of Patther Ram, the petitioner and other accused persons surrounded the informant. Co-accused Rajesh Ram assaulted the informant with iron rod whereas the petitioner assaulted by giving a knife blow on the head of the informant causing injury. Co-accused Rajesh Kumar snatched Rupees Forty Thousand from the pocket of the informant and thereafter all the accused persons assaulted the informant with



lathi and danda. The motive of the occurrence is alleged to be the fact that the goat of co-accused Rajesh Kumar grazed the crop of the informant, for which the informant made protest to the sister of Rajesh Kumar.

It is submitted by learned counsel for the petitioner that for the occurrence of 30.5.2017, the fardbeyan of the informant was recorded on 2.6.2017 and it came to be registered as police case on 17.6.2017. The injury report suggests only one grievous injury caused to the informant on his head by hard and blunt substance whereas the accusation against the petitioner is to have caused injury with knife, a sharp cutting weapon. The accusation of assault with iron rod on the head of the informant is against co-accused Rajesh Kumar. It is further submitted that the main dispute was between the informant and co-accused Rajesh Kumar but the petitioner has been roped in the present case since he happens to be the brother-in-law of Rajesh Kumar. Other accused persons who are alleged to have assaulted the informant with hard and blunt substances have been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 23.11.2017 passed in Cr. Misc. No. 55854 of 2017, as contained in Annexure 3. Statement has been made in paragraph 3 of the petition that the petitioner is not



having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the fact that the accusation is not being corroborated by the medical opinion and the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, West Champaran at Bettiah in connection with Chanpatiya P.S. Case No. 226 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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