

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12082 of 2018

Arising Out of PS. Case No.-55 Year-2017 Thana- BHABHUA District- Bhabhua (Kaimur)

Devimuni Ram, Son of Kewal Ram, R/o-Village -Kabar, P.S.- Bhabua,
District -Kaimur at Bhabua.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. NIRMAL KUMAR SINHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the IPC.

The prosecution case, as per the fardbeyan of Bahadur Ram, recorded by Sub-Inspector, Bhabua Police Station is to the effect that the informant being a mason, after doing his work, was going to his native village, Dawar. On the way, while he was washing his hands and legs at a hand-pump to offer prayer in the temple, in the meantime, five accused persons including the petitioner surrounded him and the petitioner, Devimuni Ram assaulted the informant with Khanti, causing cut injury on his head. Co-accused Ramraj Ram was exhorting to assault the petitioner, upon which co-accused Ramanand Ram and Raju



Ram assaulted the informant with lathi and danda, as a result of which, the informant received cut injury above the eye.

It is submitted by learned counsel for the petitioner that though there is specific accusation against the petitioner to have assaulted the informant with Khanti on his head, but the informant has received only one lacerated injury of marginal size on the occipital region. Though, the informant received two other injuries also, but all the injuries have been found to be simple in nature caused by hard and blunt substance. It is alleged that three persons indiscriminately assaulted the informant, but only three superficial injuries have been found. There is counter version of the occurrence, being Bhabua P.S. Case No. 56 of 2017, registered under Sections 341, 323 and 307/34 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific causation against the petitioner to have assaulted the informant on his head with Khanti.

Considering the fact that the accusation is not being corroborated by the medical opinion and there is no accusation of repeating blow, let the above named petitioner be released on



anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 55 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

