

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39368 of 2018

Arising Out of PS.Case No. -440 Year- 2018 Thana -BIHTA District- PATNA

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1. Bhuchangi @ Sunil Mauar @ Bhuyangi, S/o Late Ganesh Singh,
 2. Munna Mauar, @ Manna Mauar, S/o Dipesh Singh @ Deepak Kumar,
 3. Rishu Mauar, S/o Phulendra Mauar, All resident of village- Raghapur,
P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 307 and 324/34 of the Indian Penal Code.

The prosecution case as per the written report of Sonu Kumar dated 29.04.2018 submitted to the Station House Officer, Bihta P.S., is to the effect that on 28.04.2018 at about 1.00 A.M., the informant was returning to his house after watching a dance event, when on the way the petitioners and 5 to 7 other unknown persons started abusing and assaulting the informant. On protest being made, the petitioner no. 2, Munna Mauar assaulted with sharp cutting weapon on the head of the informant causing cut injury, thereafter petitioner nos. 1 and 3



him assaulted with iron rod. The accused persons also gave threatening to his life if the informant lodges any case against them.

It is submitted by learned counsel for the petitioners that the injury has been found superficial simple in nature caused by hard and blunt substance, whereas specific accusation against petitioner no. 2 is of assaulting the informant with sharp cutting weapon. It is further submitted that in fact, the informant in an inebriated condition fell into a ditch as a result received injury. Even assuming the accusation to be true no offence under Section 307 of the Indian Penal Code is made out. It is further submitted that for the occurrence of 28.04.2018 at 1.00 A.M., an FIR was registered through a written report on 29.04.2018 at 2.15 P.M. when it reached to the Court of learned ACJM on 01.05.2018 which suggests that the FIR has been registered by antedating. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the accusation is specific against the petitioners.

Considering the accusation being not corroborated by the medical opinion coupled with the statement



made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur in connection with Bihta P.S. Case No. 440 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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