

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61450 of 2018

Arising Out of PS. Case No.-348 Year-2018 Thana- MADHAURAH District- Saran

Umesh Rai, Son of Baharan Rai, Resident of Village- Madhopur, Police Station- Marhaura, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Advocate
		Mr. Ram Binod Singh, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Basant Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-11-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307/34 of the Indian Penal Code.

Allegation against the petitioner is that initially he assaulted with *Dab* (a weapon of cutting) which caused injury at the head of the informant and thereafter, assaulted with iron rod causing injury at the leg of the informant and again assaulted with *lathi*.

Submission is that Doctor has not found any sharp cutting injury at the head of the informant or on any part of the body of the informant, rather laceration and abrasion was noticed at the scalp, which was simple injury caused by hard and blunt substance. Hence, prosecution allegation is not corroborated by medical



evidence.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Finding substance in the submission of the learned counsel for the petitioner that injury is not consistent with the prosecution allegation, nor it appears acceptable and believable that the petitioner would keep changing the weapon at each time of assault. Hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Marhaura Police Station Case No.348 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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