

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27400 of 2018

Arising Out of PS.Case No. -143 Year- 2017 Thana -JAHANABAD District- JEHANABAD

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Mahendra Chaudhary, Son of Rajdeo Chaudhary, Resident of Village Unta Madarpur, P.S. and District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Digvijay Singh
For the State : Mr. Shailendra Kumar Singh, APP
For the Informant : Mr. Jogendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-07-2018 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the informant.

The petitioner, in the present case, is seeking regular bail in connection with Jehanabad P.S. Case No. 143 of 2017 registered for the offences alleged under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

Learned counsel for the petitioner has placed before this Court the written complaint of the informant which is the basis of the First Information Report. According to the allegation this petitioner had assaulted the informant on his head by a stick (*Danda*) causing injury on his head, it is alleged that again on the next day at about 12:00-01:00 PM this petitioner along with 2-3



persons came on the door of the informant, threatened him and when the petitioner started fleeing away from his house, this petitioner and others fired on the informant with an intention to kill him somehow the informant would save himself.

The petitioner in the present case is in jail in connection with this case *w.e.f.* 14.09.2017. When the case was called out on 09.05.2018, this Court thought it just and proper to call for the case diary with complete injury report postponing the hearing of this case on 20th June 2018. The matter was thereafter taken up on 27th June 2018, when it was found that even though the case diary was received in this Court but there is no injury report or description of the injury in the case diary. Faced with this situation, in order to get proper assistance, the Court vide its order dated 27.06.2018 passed an order directing the Investigating Officer of the case to be present at the time of hearing with the injury report, if any, obtained by him in connection with this case.

The matter has been listed today and Sri Rajeev Ranjan Kumar, Sub-Inspector of police posted in the concerned police station is present. The Court has been taken by surprise when the Sub-Inspector of Police, who is the Investigating Officer of this case, says that in this case the informant was not treated by any doctor and there is no injury report available with him. On the



Court calling upon him to show whether from the place of occurrence the Investigating Officer has collected any empty cartridges the attention of this Court has been drawn towards the seizure list which shows that three empty cartridges were recovered from the eastern side street adjacent to the house of the informant.

This case has been registered under Section 307 of the I.P.C. However, from the statements made by the I.O., it appears that there is no injury report and in fact the informant has not been treated by any doctor.

In the nature of the materials which have been placed before this Court and the fact that the informant was not treated for any injury, the learned APP for the state is not able to place much resistance against the grant of bail.

Learned counsel for the petitioner has drawn attention of the Court towards paragraph 3 of the application wherein it is stated that the petitioner has been involved in altogether 7 cases, but in all these cases he is on bail. It is his submission that the petitioner is being falsely implicated by police and has been involved in those cases without there being any substance.

Considering the facts and circumstances of the case wherein the investigating officer present in Court himself admits



that the informant was not treated by any doctor and there is no injury report, I would direct release of the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-1st, Jehanabad in connection with Jehanabad P.S. Case No. 143 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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