

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62061 of 2018

Arising Out of PS. Case No.-204 Year-2018 Thana- CHIRAIYA District- East Champaran

1. Vikash Kumar, Son of Dharmjeet Prasad Singh
 2. Dharmjeet Prasad, Singh Son of Ramkhelawan Singh
- Both are Residents of Village- Bela, Police Station- Chiraiya,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D. K. Sinha, Sr. Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-10-2018 Heard learned Sr. Counsel for the petitioners, the
informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323,324,341,379,504,506,34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 17.05.2018 submitted by Tarakant Singh to the I/c Police Camp, Sadar Hospital, Motihari, West Champaran is to the effect that on the same day at 2.00 P.M., the informant was sitting at his door, in the meantime, four accused persons, including the petitioners, came variously armed and started



abusing him. On protest being made, petitioner no.2, Dharmjeet Prasad Singh, assaulted on the head of the informant with sword causing cut injury on his head. On alarm being raised, when nephew of the informant, namely, Divyaprakash Kumar came to rescue him, then petitioner No.2, Dharmjet Prasad Singh assaulted on his head with sword, as a result, he fell down and got unconscious. Thereafter, co-accused, Ram Pati Devi, Nishan Kumar and petitioner no.1, Vikash Kumar, started assaulting with lathi and iron rod. It is also alleged that in the meantime, petitioner no.2 Vikash Kumar took out Rs.2700/- from the pocket of nephew of the informant.

It is submitted by learned Sr. Counsel for the petitioners that for the occurrence of 17.05.2018, the FIR was resisted on 06.06.2018. The injury report suggests all the injuries are simple in nature caused by hard and blunt substance, except one injury which has been found on the nephew of the informant caused by sharp cut weapon that too has been found simple in nature, hence, it cannot be said that petitioner no.2 had any intention to cause death to the informant or his nephew. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that



there is specific accusation of assault in the written report by petitioner no.2 to the Informant and his nephew which shows his intention to kill them.

Considering the accusation of assault by sharp cut weapon to the informant not being corroborated by medical opinion, delayed lodging of the FIR, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Sikrahna, Dhaka, East Champaran, in connection with Chiraiya P.S. Case No.204 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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