

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35933 of 2018

Arising Out of PS. Case No.-256 Year-2018 Thana- BARACHATTI District- Gaya

-
1. Dhananjay Kumar @ Dhananjay Kumar Verma @ Ajay
 2. Arun Kumar @ Dablu Both Sons of Late Chandra Deep Prasad, resident of Village- Bajarkar, P.O.- Sarwan, P.S.- Barachatti, District- Gaya (824201).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aaruni Singh

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 24-07-2018 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

Petitioners apprehend their arrest in Barachatti P.S. Case No. 256 of 2018 instituted for the offence under Section(s) 341, 323, 324, 308, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that petitioner no.2 namely, Arun Kumar @ Dablu has already been arrested. Therefore, the petition with respect to petitioner no.2 is dismissed as withdrawn.

Learned counsel for the petitioner no.1 has submitted that petitioner(s) and the informant are own brothers. There is dispute with regard to partition of the property.



Learned counsel for the informant has submitted that petitioner no.1 has given wrong information in para 3 of the bail petition that he has clean antecedent.

A supplementary affidavit has been filed on behalf of the petitioners stating therein that one case is pending against the petitioner no.1. vide Barachatti P.S. Sase No. 514 of 2017 which was lodged on the basis of written report of ASI Subodh Kumar Singh against 29 named accused persons under Sections 147, 149, 323, 332, 333, 188, 427, 337, 353 and 504 of the Indian Penal Code. It is further submitted that deponent of the affidavit is wife of the petitioner and she has stated that she has not deliberately and intentionally suppressed the said fact and made false and incorrect statement in para 3 of the said application. Moreover, it is not a case of serious nature. In the instant case, there is allegation against petitioner no.1 that he along with Arun Kumar assaulted the informant with sharp weapon and Knife causing injury in his right hand thumb. The injury report of the informant is annexed as Annexure-3 to the bail petition wherein the doctor has opined the injury to be grievous caused by hard and blunt substance. The doctor has described the injury no.1 which is injury on thumb, not on any vital part of body.

In the facts and circumstances of the case, prayer of the



petitioner no.1 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner no.1, named above, within six weeks from today in connection with Barachatti P.S. Case No. 256 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M., Sherghati, Gaya subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

shyambihari/-

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

