

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34207 of 2018

Arising Out of PS. Case No.-149 Year-2017 Thana- PIPRA District- East Champaran

Pushkar Thakur, son of Anil Thakur, Resident of Village Sariyatpur, P.S.-
Pipra, District- East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Mritunjay Kumar, Adv.

For the Opposite Party : Mr. Ramchandra Singh, APP 51

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 24-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner is languishing in jail since 18.04.2018 in connection with Pipra P.S. Case No. 149 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 379, 504 and 506 of the Indian Penal Code.

The diary of the case was called for, which has been received.

Learned counsel for the informant is also present and has resisted the bail application on the ground that the father of the informant has received serious injuries, which has led to permanent disability and he has suffered from multiple facial injury inflicted by the present petitioner.

Learned counsel appearing for the petitioner, however, submits that though the main allegation is of attack on the father of the informant by means of farsa, the injuries report which has come on record indicates that the injuries were so



caused by hard and blunt substance. It has, further, been submitted that there is a varied story by a co-villager, who was astride on the second motorcycle which was being driven by the father of the informant who was injured. It is, further, submitted that the said co-villager, Bhagya Narayan Singh, who is also said to have sustained injury, has categorically stated that the farsa blow was inflicted on himself by the petitioner which had missed him narrowly and had caused injury on his right ear. The injury report of the doctor supports the injury caused to the right ear of the said Bhagya Narayan Singh, which forms part of Annexure 2. Learned counsel, further, submits that as per story submitted by the closest eye witness, i.e., Bhagya Narayan Singh, the injury on the father of the informant was caused by others and not by the present petitioner, who is said to have attacked on Bhagya Narayan Singh alone. He, further, submits that the brother of the informant who was riding on the second motorcycle along with the informant has given an altogether different version. In that version the brother has stated that Bhagya Narayan Singh was inflicted gupti blows, which has not been found on him. Thus, there is a marked variance in the story advanced by both the eye witnesses to the occurrence which casts a distinct cloud on the prosecution story.



Learned counsel appearing for the State, after perusing the case diary submits that the petitioner has been named as the main accused having attacked Ravindra Singh, the father of the informant, who has sustained serious injuries causing multiple facial injury, as is evident from the report of Mani Hospital, Motihari. He, further, submits that at paragraph 107, the brother of the informant has given a different story.

Learned counsel for the informant, however, submits that the father of the informant has been seriously injured and the petitioner is having several antecedent and should not be granted the privilege of bail. He submits that the nature of the injury was also found grievous and, therefore, disentitles the petitioner to the privilege of bail.

Having heard learned counsel for the petitioner, learned counsel for the informant and the learned counsel for the State, it appears that there is some variance in the version advanced by the witnesses, who claimed themselves to be eye witnesses. The injuries which are purported to have been inflicted also appear to be having certain discrepancies.

In view of the aforesaid facts and circumstances and after considerations of all aspects of the matters and upon perusal of the case diary, let the petitioner, named above, be



released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Pipra P.S. Case No. 149 of 2017 to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, on the following conditions.

(1) One of the bailors will be the mother of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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