

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.886 of 2018

Arising Out of PS.Case No. -162 Year- 2017 Thana -KHARIK District- BHAGALPUR

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Rajendra Thakur, S/o Late Lelhu Thakur, R/o Village- Bagri, P.S.- Kharik,
District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha, Advocate.
Mr. Chandra Shekhar Sharma, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-01-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Kharik P.S.**

Case No. 162 of 2017 instituted for the offence under Sections
341, 323, 307 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
earlier to this case, wife of this petitioner has filed Kharik P.S.
Case No. 161 of 2017 against the informant and others for
assaulting the petitioner on his head. It has further been submitted
that after filing of aforesaid P.S. Case, the instant case has been
lodged by the informant levelling allegation against the petitioner
that he assaulted on the head of mother of the informant with
spade (*Kudal*).

Learned Sessions Judge has mentioned in the



impugned order that injury sustained by mother of the petitioner shows that she sustained one lacerated wound measuring 15” x 0.5 cm x scalp deep over frontal region and abrasion 0.5 cm. x 0.5 cm. over dorsum of right wrist. As per opinion of the Doctor, injury No. 1 was lacerated wound but opined by Doctor to be grievous whereas injury No. 2 is simple in nature.

From the injury as mentioned by the learned Sessions Judge in the impugned order, there is no repetition of blow.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Kharik P.S. Case No. 162 of 2017**, 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 **learned Additional Chief Judicial Magistrate-II, Naugachia, Distt. Bhagalpur**, 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 their absence on two consecutive dates without proper and



reasonable reason will be liable to cancel his bail bond 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)

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