

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.66475 of 2018**

Arising Out of PS. Case No.-192 Year-2018 Thana- BHARGAMA District- Araria

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1. Ramesh Singh @ Ramesh Kr. @ Ramesh Pd. Singh, Son of Late Mohan Lal Singh,
  2. Sourav Kumar @ Nikki, Son of Ramesh Singh,
  3. Gaurav Kumar @ Pikki, Son of Ramesh Singh, All resident of Village- Shekhpura, Ward No.-01, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

|                     |                                                                  |
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| For the Petitioners | : Mr. N.K. Agrawal, Sr. Advocate.<br>Mr. Vikram Singh, Advocate. |
| For the State       | : Mr. Aslamd Ansari, APP.                                        |
| For the Informant   | : Smt. Rina Sinha, Advocate.                                     |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2     17-12-2018                      A supplementary affidavit has been filed during the course of argument.

Let it be taken on record.

Heard   Mr.   N.K.   Agrawal,   learned   senior advocate appearing for the petitioners, Ms. Rina Sinha for the informant and Mr. Aslam Ansari for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bhargama P.S. Case No. 192 of 2018 dated 25.08.2018 instituted for the offences under Sections 341, 323, 324, 379 and 34 of the Indian Penal Code.

The petitioners who are the father and two sons



respectively are alleged to have assaulted the informant, her husband and her son. The injuries suffered by the informant (mother) and her son are simple in nature. The petitioner no. 2 is said to have assaulted the husband of the informant who reportedly has received grievous injuries.

Learned counsel appearing for the petitioners has submitted that there is a counter version of the occurrence in which simple injuries have been received by the persons on the petitioners' side. The occurrence took place because of competing claims of the parties over a plot of land.

By way of supplementary affidavit, learned counsel for the petitioners has sought to explain that the husband of the informant, though, is stated to have received a wound which was of the dimension of 2"x1/4"x1/4" over the frontal area of head, allegedly caused because of the assault made by the petitioner no. 2 by the butt of a pistol and the aforesaid injury has been stated to be grievous but on further treatment and analysis, it was found to be an age related diffuse cerebral atrophic changes. The husband of the informant was twice treated, on one occasion in Paras Hospital, Patna and on the second occasion in another hospital and none of the reports of the aforesaid hospitals



indicate that such atrophic changes in the cerebral area was the impact of the assault perpetrated by petitioner no. 2 by the butt of the gun.

In any view of the matter, considering the nature of accusation and the background facts, petitioners no. 1 and 3 are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 192 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The prayer for anticipatory bail of petitioner no. 2 is rejected.

He ought to surrender before the court below within a period of four weeks and seek regular bail. Should such an application be filed by the petitioner within the time specified, the court below shall look into the matter that though initially the injury was stated to be grievous, but on later analysis it was found to be age related atrophic changes. The court below shall thereafter pass orders in accordance with law taking into



account all the facts in the case and shall not be prejudiced by the fact that the present anticipatory bail petition on behalf of petitioner no. 2 has not been entertained.

The petition is disposed off in terms of the above.

**(Ashutosh Kumar, J)**

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