

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61488 of 2018

Arising Out of PS. Case No.-247 Year-2018 Thana- PATORI District- Samastipur

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1. Vikash Kumar @ Munna @ Vikash Kumar Thakur Son of Virendra Thakur.
 2. Virendra Thakur, Son of Late Anant Thakur. Both Resident of Village-Imansaray, P.S. Patory, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amod Kumar Singh, Adv.

For the Opposite Party/s : Sri Rajkishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-12-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

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

The prosecution case got initiated on the basis of written report dated 27.07.2018 submitted by Dhirendra Kumar to the Station House Officer, Patory Police Station is to the effect that on the same day at 6.00 P.M. the informant was traveling by a motorcycle from Somwari Haat, Patory Bazar from Imansarai, in the meanwhile, two persons on a motorcycle overtook him. Thereafter, petitioner no.2, Virendra Thakur assaulted on the head and neck of the informant with a knife, as a result, the



informant fell down on the ground. Thereafter, petitioner no.1 Vikash Kumar also assaulted on the neck of the informant with knife. It is further alleged against petitioner no.1 Vikash Kumar that he took away Rs.65,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the petitioners inflicted repeated injuries with knife on the order given by the petitioners on the head and neck of the informant, but the injury report of the informant suggests only three injures. It is further submitted that out of the said three injures, two injuries are caused by a sharp cut weapon, whereas one injury is caused by a hard and blunt substance. All the injures are found to be simple in nature. There is counter version of the occurrence, being Patory P.S. Case No. 248 of 2018. 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 APP for the State that there is specific accusation against the petitioners.

Considering the fact that the accusation not being corroborated with the medical opinion, a counter case filed by the petitioners against the informant, 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-IV, Samastipur, in connection with Patory P.S. Case No.247/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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