

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6451 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- TARIYANI CHOWK District- Sheohar

1. BIPIN KUMAR Son of Late Ram Naresh Prasad Kuwar Resident of Village- Rajadih, Police Station- Tariyani, District- Sheohar.
2. Sanjeev Kumar @ Anu Son of Late Ram Naresh Prasad Kuwar Resident of Village- Rajadih, Police Station- Tariyani, District- Sheohar.
3. Shashi Ranjan Kumar @ Bhulu Son of Late Ram Naresh Prasad Kuwar Resident of Village- Rajadih, Police Station- Tariyani, District- Sheohar.
4. Munna Kumar Son of Bipin Kumar Resident of Village- Rajadih, Police Station- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suresh Kumar
For the Opposite Party/s	:	Mr.Murli Dhar
for the informant	:	Mr. Dinesh Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-02-2019 Heard both sides.

The petitioners apprehend their arrest in Tariyani P.S. case No. 156 of 2018 registered under Section 307 and some other minor of the Indian Penal Code.

The informant, Chandra Shekhar Kumar, named the petitioners along with other accused persons and alleged that they all, having armed with different weapons, came to the house of informant where he and his brother Ghanshyam Kumar were talking. Uma Shanker Kuwar is alleged to have assaulted Ghanshyam Kumar, brother of informant, repeatedly on his head and Ghanshyam Kumar fell down after having injured. Devbrat



Kumar and Lalita Devi are alleged to have assaulted the informant with iron rod on his head and other parts of his body. The informant further alleged that Bipin Kumar, Sanjeev Kumar, Shashi Ranjan Kumar @ Bhulu, Pinki Devi, Munna Kumar and Kanchan Kumar assaulted both brothers with sword and other sharp cutting weapon.

The learned counsel for the petitioners submits that there is counter version, which was lodged on the basis of complaint filed by Debvrat Kumar, one of the accused of this case. It is further submitted that on account of land dispute the occurrence took place. The informant, of course, received many injuries on head but the doctor found the injuries to be simple in nature. The assailants of informant are Debvrat Kumar and Lalita Devi, who are alleged to have repeatedly assaulted him with iron rod. Thereafter, other accused persons including the petitioners are alleged to have indiscriminately assaulted the informant. The assailant of Ghanshyam Kumar is Uma Shanker Kuwar, who has already been granted anticipatory bail vide order passed in Cr. Misc. No. 6871 of 2019 and the case of petitioners stands on better footing as that of Uma Shanker Kuwar and of Debvrat Kumar and Lalita Devi, who are not petitioners here. There is no specific allegation of assault against



the petitioners.

On the other hand the learned counsel for the informant and learned APP opposed the prayer and submitted that petitioners are also alleged to have assaulted the informant with iron rod and other weapons on his head and the injured was referred to SKMCH, Muzaffarpur and thereafter IGIMS, Patna for treatment but it appears that informant himself alleged that at the first instance Debvrat Kumar and Lalita Devi indiscriminately assaulted him with iron rod on his head. Thereafter, the informant named the petitioners, four in number, and alleged that they also assaulted the informant and his brother although the informant made specific allegation against Uma Shanker Kuwar that he assaulted his brother, Ghanshyam Kumar, and Debvrat Kumar and Lalita Devi assaulted the informant on his head. The injuries found on the head of informant are simple in nature. Of course, one of the injuries found on the person of Ghanshyam Kumar is opined to be grievous but the injury appears to have been caused on account of injuries found on head, said to have been caused by Uma Shankeer, who has already been granted anticipatory bail by a coordinate bench of this court.

Considering the facts aforesaid and the nature of



allegation made against the petitioners and the fact that there is no specific allegation against the petitioners and the case of petitioners stands on better footing as that of Uma Shanker Kuwar, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 156 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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