

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4678 of 2019

Arising Out of PS. Case No.-232 Year-2018 Thana- BHELDI District- Saran

Nagendra Rai, Son of Ramanand Rai, Resident of Village- Takia, P.S- Bheldi,
District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Prasad

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 447, 323, 324, 307, 354, 147, 148 and 504 of the IPC.

The prosecution case, as per the fardbeyan of Arvind Kumar, recorded by Shyam Singh, S.I., of Bheldi, on 06.07.2018, at P.M.C.H., is to the effect that on 04.07.2018, at about 7 A.M., 13 accused persons including the petitioner came at the door of the informant and abused him. It is specifically alleged against this petitioner that he assaulted the informant with sickle causing bleeding injury on his head, as a result of which, the informant fell down, and when the family members of the informant came to rescue him, all the accused persons



assaulted them also. The accused persons also took away Rs. 5,000/- and jewellery from the informant.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant. The petitioner is on litigating terms with the informant and in that background, the accusation has been levelled. There is counter version of the occurrence also, being Bheldi P.S. Case No. 232 of 2018, lodged by the petitioner against the informant's side. It is further submitted that the petitioner's side also received injuries. Neither the FIR nor the impugned order suggest that the informant's side received grievous injuries. Moreover, for the occurrence of 04.07.2018, the fardbeyan was recorded on 06.07.2018 and the FIR was registered on 11.07.2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner to have assaulted on the head of the informant with sharp cutting injury.

Considering the delayed lodging of the FIR and the fact that neither the impugned order nor the FIR suggest that the informant's side has received any grievous injury, coupled with the statement made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Bheldi P.S. Csa No. 232 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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