

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29359 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- DANDKHORA District- Katihar

PANKAJ KUMAR ARYA, Son of Late Nand Prasad Arya, Resident of
Village - Souriya, P.S.- Dandkhora, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Prasad Singh
For the Informant	:	Mr. Amit Kumar Anand
For the State	:	Mr. Pradeep Narain, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Dandkhora Police Station Case No. 27 of 2019 disclosing offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 506 and 504 of the Indian Penal Code.

It is alleged in the First Information Report that the informant had gone to the Police Station as he was injured in some incident and when he was going to the hospital from the Police Station for the purpose of treatment, the persons named in the First Information Report surrounded him and started abusing. It is also alleged that they started assaulting him. There



is allegation against the petitioner of having assault with a iron rod on his head.

The First Information Report, however, does not disclose the circumstance in which, the petitioner had gone to the Police Station with injury, nor does it disclose the occurrence, which had led to such injury.

Learned counsel, appearing on behalf of the petitioner, has submitted that the injury has been found to be simple in nature, as is evident from the order of the learned Additional Sessions Judge-III, Katihar, whereby petitioner's application for grant of anticipatory bail has been rejected.

Learned counsel, appearing on behalf of the informant, on the other hand, has submitted that in view of the seriousness of allegation of making of assault with a iron rod, the petitioner does not deserve the privilege of anticipatory bail. He has also submitted that the injury, which has been referred to as simple in the order of the learned Additional Sessions Judge-III, Katihar, is the injury, which the informant had received prior to the occurrence alleged.

However, from the order of the learned Additional Sessions Judge-III, Katihar, I find that the case diary was before him and on perusal of the case diary, he had found that the



injury caused on the informant to be simple in nature.

Considering the facts and circumstances, as noted above, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the Court below within six weeks, be released 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 S.D.J.M., Katihar in connection with Dandkhora Police Station Case No. 27 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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