

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31410 of 2019

Arising Out of PS. Case No.-271 Year-2018 Thana- BAKHTIYARPUR District- Patna

1. VIJAY SINGH @ VIJAY KUMAR SINGH RATHOR @ BIJAY KUMAR SINGH S/o Late Ramjatan Singh R/o village- Rawaich, P.S.- Bakhtiyarpur, District- Patna
2. Lucky Kumar S/o Vijay Singh @ Vijay Kumar Singh Rathor R/o village- Rawaich, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Bakhtiyarpur P.S. Case No. 271 of 2018 registered for the offences punishable under Sections 341, 323, 324, 326, 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no. 1 is the father whereas the petitioner no. 2 is his son. The allegation is that the petitioner no. 2 gave a Farsa blow on the head of the informant causing injuries on head at three places and the informant fell down.

Learned counsel for the petitioners submits that the petitioners and the informant are own Gotiyas and there was a



dispute over a piece of land which belong to the petitioners. It is further submitted that out of four injuries noticed on the body of the informant, three would be found simple in nature whereas opinion has been kept reserved with respect to one of the injuries. It is further submitted that it is a counter case as well and even the petitioners have suffered injuries.

Learned APP for the State has opposed the prayer of anticipatory bail. It is submitted that the opinion with respect to one of the injuries has still been kept reserved.

Having heard learned counsel for the petitioners and learned APP for the State, this Court is of the view that because there is no specific allegation against petitioner no. 1 of assaulting the informant at any vital part of his body, let petitioner no. 1 in case of his arrest or surrender within a period of four weeks from today in connection with Bakhtiyarpur P.S. Case No. 271 of 2018 be enlarged on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. I, Barh, subject to the condition as laid down under Section 438 (2) Cr.P.C.

So far as petitioner no. 2 is concerned, there is specific allegation that he had used Farsa and had assaulted the informant on his head which caused injuries at 2-3 places.



Taking note of the nature of weapon used by petitioner no. 2 and the blow given on the vital part of the body, this Court is not inclined to grant him privilege of anticipatory bail.

This application as regards, petitioner no. 2 is dismissed.

In case the petitioner no. 2 surrenders and prays for regular bail within a period of four weeks from today, his prayer of bail shall be considered without being prejudiced by the order of this Court and the same shall not be rejected only on the ground that this Court has refused to grant him anticipatory bail.

(Rajeev Ranjan Prasad, J)

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