

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36628 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. Lalan Ram, Son of Late Bala Ram Resident of Village - Karariya Thakurai Tola Chapariya, P.S.- Phulwariya, Distt - Gopalganj.
2. Abhishek Ram, Son of Lalan Ram Resident of Village - Karariya Thakurai Tola Chapariya, P.S.- Phulwariya, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Phulwariya P.S. Case No.36 of 2019 for the offence punishable under Sections 342, 323, 325, 307, 504, 324 and 506/34 of the Indian Penal Code.

The allegation against the petitioners is that petitioner No.1, Lalan Ram, assaulted the informant by means of Garasa on his head and petitioner No.2 assaulted the informant by means of Farsa on his neck.

Learned counsel for the petitioners submits that both the parties are neighbour and there was dispute between them on



trivial issue. Learned counsel further submits that from perusal of injury report, which has been filed along with supplementary affidavit at Annexure-2, it appears that injury caused to the informant is simple in nature by hard and blunt object whereas allegation against the petitioners is that they assaulted the informant by means of sharp cutting weapon. Learned counsel thus submits that allegations against the petitioners are not corroborated by the injury report. Learned counsel further submits that there is delay of three days in lodging the First Information Report.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are co-villagers and the injury caused to the informant is simple in nature by hard and blunt substance whereas the allegation in the FIR is of assault by means of sharp cutting weapon, as such, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand)



each with two sureties of the like amount each to the satisfaction
of learned Additional Chief Judicial Magistrate-XIII, Gopalganj,
subject to the condition as mentioned under Section 438 (2) of
Cr.P.C.

(Anil Kumar Sinha, J)

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