

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43417 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- HAJIPUR District- Vaishali

1. PRABHAT KUMAR @ BALJIT CHOUDHARY Son of Late Mohan Prasad Choudhary Resident of Village - Hatsarganj, P.S.- Town, District - Vaishali.
2. Subodh Kumar Son of Late Mohan Prasad Choudhary Resident of Village - Hatsarganj, P.S.- Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore
For the Opposite Party/s	:	Mr.Surendra Prasad Singh
For the informant	:	Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2019 Heard learned Counsel for the petitioners, learned Counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Hajipur Town Police Station Case No. 218 of 2019, disclosing offences under Sections 341/323/379/307/504/506/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners, along with others, assaulted the informant. The petitioner no. 1, Prabhat Kumar, assaulted by way of sickle, causing injury near the arm of the informant and petitioner no. 2, Subodh Kumar, assaulted



the informant on his head and other parts of the body by means of lathi.

Learned Counsel for the petitioners submits that the injury caused to the informant by the assault made by petitioner no. 1, Prabhat Kumar, is simple in nature; whereas, the assault made by petitioner no. 2 on the head of the informant is grievous in nature.

Learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioners are having criminal antecedents and were threatening the informant and his family members to withdraw the case lodged against them and accordingly they do not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the injury caused by petitioner no. 1, Prabhat Kumar, is simple in nature, this application, so far as petitioner no. 1, Prabhat Kumar @ Baljit Choudhary is concerned, is allowed.

Let the petitioner no. 1, Prabhat Kumar @ Baljit Choudhary, in the event of his arrest or surrender before the Court below within four 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 learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Hajipur Town Police Station Case No. 218 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 bond shall be liable to be cancelled.

However, considering the grievous nature of injury caused to the informant on the vital part of his body, i.e. head, by the assault made by petitioner no. 2, Subdoh Kumar, his prayer for anticipatory bail is hereby rejected.

Accordingly, this application, so far as petitioner no. 2, Subodh Kumar, is concerned, is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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