

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54786 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- PUPRI District- Sitamarhi

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AMRESH KUMAR @ NILU JHA @ AASHISH KUMAR JHA @ NILU Son
of Ajay Kumar Jha @ Munnu Jha @ Munnu Resident of Village - Hardiya,
P.S.- Pupri, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Pupri P.S. Case N0. 153 of 2019, disclosing offences under Sections 341,323,325,308/34 of the Indian Penal Code.

The persons named in the First Information Report belong to the same family. It is evident from the First Information Report that the informant and the named accused persons are agnates and, there was dispute between them over certain money transactions. It is alleged in the First Information Report that named accused persons assaulted the informant with *axe* and *Khanti* because of which he sustained injuries. He was immediately taken from the place of occurrence, which is in the District of Sitamarhi, to Rajeshwar Hospital, Patna. After he regained consciousness, his statement was



recorded by the police in the Hospital on 20.03.2019, based on which the present First Information Report came to be registered on 07.04.2019.

Learned counsel appearing on behalf of the petitioner has submitted that there is no specific allegation against the petitioner of assault and such allegations are general against all the persons named in the FIR.

Case diary has been called for, in which there is reference of an injury report submitted by the Medical Officer, Primary Health Centre, Pupri dated 13.04.2019. The said injury report refers to the examination of the petitioner by the Medical Officer on 20th March, 2019, when the occurrence had allegedly taken place. In that background, it is being submitted on behalf of the petitioner that since there is no mention of the victim having been taken to Primary Health Centre in the FIR, the injury report itself appears to be doubtful. He further contends that possibility of the informant having received injuries in a manner different from what has been stated in the FIR cannot be ruled out. Implication of this petitioner is because of admitted existing dispute between the parties over the money transaction, learned counsel has contended.

Learned counsel for the informant has vehemently opposed the prayer for bail.

However, considering the fact that the alleged



occurrence is said to have taken place in the wake of some existing dispute between the parties and there is apparent discrepancies in the injury report as available in the case diary, in my opinion, a case for grant of anticipatory bail is made out. This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 Sub-Divisional Judicial Magistrate, Sitamarhi in Pupri P.S. Case No. 153 of 2019, subject to the conditions as 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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