

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57278 of 2019

Arising Out of PS. Case No.-173 Year-2018 Thana- ISUAPUR District- Saran

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Vikash Kumar Rai @ Vikash Kumar Yadav @ Vikash Kumar Ray @ Vikash Kr. Rai @ Vikash Kr. Yadav Son of Shivnath Rai Resident of Village- Sisawan, P.S.-Isuapur, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Isuapur P.S. Case No. 173 of 2018, registered under Sections 147, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The allegation against the petitioner is that the petitioner assaulted the uncle of the informant by means of iron rod on his head.

Learned senior counsel for the petitioner submits that both the parties are neighbour and there is case and counter case, for the same incident, from the side of the petitioner, Isuapur P.S. Case No. 170 of 2018 has been lodged, in which



altogether 7 persons had received injury from the side of the petitioner. He further submits that the present FIR has been lodged after delay of about 4 days, the date of occurrence is 13.11.2018 and the FIR has lodged on 17.11.2018. He further submits that FIR lodged by the side of the petitioner is prior to the FIR lodged by the side of the informant.

On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that doctor has found injury on the person i.e. uncle of the informant, as grievous in nature. Accordingly, the case is made out against the petitioner and grant of privilege of anticipatory bail is not suitable.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are neighbour, there is case and counter case between the parties, the FIR lodged by the petitioner is prior to the FIR lodged by the informant and there is delay of about 4 days in lodging the FIR, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond



of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Isuapur P.S. Case No. 173 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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