

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67191 of 2019

Arising Out of PS. Case No.-367 Year-2019 Thana- KESARIA District- East Champaran

Karn Kumar @ Raja, Aged about 35 years, Male, Son of Sheojee Prasad,
Resident of Village Kesariya Naya Bazar, P.S Kesariya, Naya Bazar, District
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-10-2019 Heard both sides.

The petitioner apprehends his arrest in Kesariya P.S.
Case No.367 of 2019, registered under Sections 341, 323, 324,
307, 379 and 34 of the Indian Penal Code.

The informant Laxman Prasad alleged that he after
opening his shop sat thereon but Sheojee Prasad and his sons,
Karn Kumar @ Raja, Raj Kumar @ Raju, Salu Kumar came along
with three unknown persons and abused and assaulted the
informant. The informant fell down on the ground. Raja Kumar @
Karn Kumar took Rs.6000/- from the chest box. When Kanhaiya
Kumar, the son of the informant, Balram Choudhary and Shankar
Choudhary came to save, Karn Kumar @ Raja, the petitioner and
Raj Kumar Prasad assaulted Kanhaiya Kumar with sword.
Kanhaiya Kumar got serious injury on head.



Learned counsel for the petitioner submits that in fact the informant, Laxman Prasad and his family members came to the house of the petitioner, called the mother of the petitioner as witch and also tried to put excreta in her mouth. The informant and others also assaulted the petitioner, his mother and other family members. It is further submitted that the petitioner Karn Kumar @ Raja and Raj Kumar Prasad are said to have assaulted Kanhaiya Kumar with sword. Two injuries are found on the person of Kanhaiya Kumar out of which one injury is on head. The doctor opined that the injury is dangerous to life but at the same time did not give opinion about the nature of injury whether it was simple or grievous. It is submitted that both the injuries are simple in nature. Raj Kumar Prasad @ Raj Kumar @ Raju has already been granted anticipatory bail by order dated 16.10.2019, passed in Cr. Misc. No.62406 of 2019.

On the other hand, learned counsel for the informant and the learned Additional Public Prosecutor vehemently opposed the prayer for bail and submit that petitioner and Raj Kumar Prasad both are alleged to have inflicted injuries on head and other parts of the body of Kanhaiya Kumar. The doctor found two injuries, one on head and another on hand. The doctor opined that the injuries found on the head is dangerous to life. The petitioner does not deserve anticipatory bail.



It appears that of course there is allegation that the petitioner and Raj Kumar Prasad assaulted Kanhaiya Kumar with sword and two injuries are found. One injury was found on the head and another on hand. Raj Kumar Prasad @ Raj Kumar @ Raju has already been enlarged on anticipatory bail. The case of the petitioner stands on the same footing. There is a counter version also and from the side of the petitioner, petitioner and others got injuries.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged 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 A.C.J.M.-III, Motihari in connection with Kesariya P.S. Case No.367 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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