

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62626 of 2018**

Arising Out of PS. Case No.-228 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

1. Raju Shahi, Son of Karn Shahi
2. Binay Shahi, Son of Jairam Shahi
Both Resident of Village – Belthari, P.S. - Kuchaikote, District – Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.Smt. Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 11-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Golu Shahi submitted to the Station House Officer is to the effect that on 26.07.2018 at 7.00 P.M. the younger brother of the informant, Nehal Shahi went to the grocery shop of Brajesh Shahi to purchase grocery. In the meantime, petitioners started abusing the brother of the informant and when the brother of the informant made protest then petitioner no. 1, Raju Shahi took out a knife from his pocket and assaulted him causing injury on



the left side of the waist of the brother of the informant whereas petitioner no. 2, Binay Shahi gave a knife blow causing injury on the chest of the brother of the informant. On alarm being raised when the nearby people came on the spot and all the accused persons fled away.

It is submitted by learned counsel for the petitioners that for the occurrence of 26.07.2018 at 7.00 P.M. the written report was submitted on 27.07.2018 at 3.00 P.M. The injury report of the victim, Nehal Shahi suggests that only one sharp cut injury has been found on the left side of waist, however, the opinion has been reserved. Hence, either the informant did not see the alleged occurrence or he has lodged FIR with improved and exaggerated version. It is further submitted that till date, the final opinion regarding the injury has not been obtained by the investigating agency. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP after going through the case diary submits that the opinion has been kept reserved about the injury, however, he further admits that only one injury has been found on the body of the injured. It is further submitted that the case diary has been recorded up to 10.08.2018.



In the circumstances, this Court is dismayed to find the callous manner in which the investigation is being carried out by the investigating agency. The case diary was called for vide order dated 13.12.2018 which finally reached to the Court after several reminders in March, 2019, it is recorded till 10.08.2018 which reflects the callous and lukewarm approach of the investigating agency as well as supervising officers who are supervising sessions triable cases. The FIR was registered on 27.07.2018, the victim was medically examined on 27.07.2018 itself but the final opinion about the injury has not been obtained till March, 2019 and it also appears that the investigation is still pending.

Considering the accusation not being corroborated by the medical opinion and the callous manner in which the investigation is being conducted, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-VII, Gopalganj in connection with Kuchaikote P.S. Case No. 228 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let this order be transmitted to S.P., Gopalganj as well as D.G.P., Bihar, Patna for information and needful.

(Dinesh Kumar Singh, J)

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