

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67652 of 2019

Arising Out of PS. Case No.-594 Year-2019 Thana- ARARIA District- Araria

1. Ashok Kumar Singh @ Ashok Singh, aged about 35 years, Male, S/o Late Tarachand Singh, R/o Village- Laxmipur, P.S. Kurshakanta, District Araria.
2. Manoj Singh @ Manoj Kumar Singh, aged about 33 years, Male, S/o Shiv Jee Singh, R/o Village Shankerapur, Tola Kaparphora, Ward No.8, P.S. Kurshakanta, District Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-12-2019 Heard both sides.

Petitioners apprehend their arrest in Araria P.S. Case No.594 of 2019, registered under Sections 341, 323, 324, 307, 427 and 34 of the Indian Penal Code.

The informant alleged that on 24.07.2019, Deo Narayan Singh and his family members brutally assaulted the informant and others for a dispute with regard to grazing of cow. The informant was admitted in Kursakanta Hospital from where he was referred to Araria Sadar Hospital. On the next day, while the informant was coming to Araria, Ashok Singh and Manoj Singh, both the petitioners, tied rope around his neck and dragged the informant. Ashok Singh is alleged to have assaulted the informant with Khukhri on his head and the informant got blood oozing injury.



Learned counsel for the petitioners submits that for the occurrence took place on 24.07.2019, Hari Lal Singh, the informant lodged Kursakanta P.S. Case No.192 of 2019 on 26.07.2019 but he did not refer with regard to incident said to have taken place on 25.07.2019. Girja Devi also lodged Kursakanta P.S. Case No.191 of 2019 with regard to the same incident. It is further submitted that the informant made false allegation in Kursakanta P.S. Case No.192 of 2019 in which the petitioners have not been named in the FIR. The petitioners are alleged to have assaulted the informant but the injury report shows that the informant got lacerated wound. Although the petitioner no.1 is alleged to have assaulted with Khukhri. Injuries No.2 and 3 are tenderness and swelling. Injuries No.2 and 3 are opined to be simple in nature but the opinion with regard to Injury No.1, i.e., lacerated wound on right parietal region is kept reserved but on the face of it, it appears that the depth of the injury was 3" x 1/4" x bone deep and the injury on the face of it appears to be simple in nature. The case has already been compromised.

It appears that both sides firstly engaged in assault on each other for which from the side of the petitioners, Kursakanta P.S. Case No.192 of 2019 was registered but prior to institution of Kursakanta P.S. Case No.192 of 2019, Girja Devi lodged Kursakanta P.S. Case No.191 of 2019. The present case is said to



have taken place on 25.07.2019 while the informant was coming to Araria Hospital for treatment but from perusal of the injury report, it appears that all the injuries are superficial and simple in nature and the case has already been compromised.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria in connection with Araria P.S. Case No.594 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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