

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70555 of 2018**

Arising Out of PS. Case No.-95 Year-2018 Thana- SIMRI District- Darbhanga

1. Prabhu Ram S/o Late Chhote Ram,
2. Pradeep Ram, S/o Prabhu Ram, Both are resident of Village- Mishroli, P.S.- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Das  
For the Opposite Party/s : Mr.Sri Ajay Kumar Jha

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

3      16-04-2019                      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, 342, 307, 504, 506 and 147 of the Indian Penal Code.

The prosecution case as per the written report of Santosh Ram submitted to the Station House Officer of Simri Police Station is to the effect that on 17.06.2018 at 7.30 A.M., the petitioners were erecting boundary wall on the land of the informant's brother, Shatrughan Ram. On protest being made by the informant, the petitioners assaulted with bamboo on the head of the brother of the informant, as a result, he received fracture injury on the right side of the head, when the informant tried to save his brother then co-accused Ramshankar Ram assaulted when the wife of the brother of the informant, Rina Devi came



to rescue then she was assaulted by co-accused Manjula Devi, Radhika Devi, Priyanka Kumari and Ravishankar Ram. Thereafter, the brother of the informant was taken to PHC, Singhwara and from there, he was referred to DMCH, Dharbhanga and from there, he was referred to PMCH, Patna and when the condition of the brother got deteriorated, he was subsequently, admitted in a private nursing home.

It is submitted by learned counsel for the petitioners that for the occurrence of 17.06.2018, the FIR was registered on 09.07.2018. Though, one of the injury on the head has been found grievous but the same has been obtained from a private nursing home. The report of DMCH, Dharbhanga suggests the head injury but the final injury report has not been issued by DMCH, Dharbhanga and in the background of land dispute, the accusation has been levelled against the petitioners. The victim Shatrughan Ram has received only one injury which has been found grievous but it cannot be said that who has caused the said injury. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against the petitioners on the head of the brother of



the informant and the corresponding injury has been found. It is further submitted by learned APP that the victim has received serious injury and hence, delay has been caused in submitting the written report.

Considering the fact that though there is specific accusation that the petitioners assaulted on the head of the brother of the informant but out of four injuries only one injury has been found grievous which has also been obtained from a private nursing home but the specific case of the prosecution is that firstly the victim was taken to PHC, Singhwara and from there he was referred to DMCH, Dharbhanga and from there, he was referred to PMCH, Patna but it does not appear that the FIR was lodged either at PMHC or at DMCH which clouds the bonafide of accusation as admittedly, there is no explanation as to why for the alleged occurrence of 17.06.2018, the FIR was registered on 09.07.2018, 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 Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 95 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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