

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81103 of 2019

Arising Out of PS. Case No.-1212 Year-2018 Thana- SONEPUR District- Saran

ABHAY KUMAR Son of Sri Raj Kishore Rai @ Ram Kishore Rai @ Misti Rai Resident of Village - Sabalpur, Hasti Tola, P.S.- Sonapur, Distt.- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 447, 323 and 302/34 of the Indian Penal Code.

The prosecution case as per the Fardbeyan of Police Rai, recorded by S.I., Md. Naseem Khan, on 14.12.2018 at 10.00 A.M. at Referral Hospital, Sonapur is to the effect that co-accused, Mahesh Ram was constructing a toilet on the land of the informant when the father of the informant made protest and asked him to get the construction done after measurement of the land, thereafter, seven co-accused person came and assaulted the father of the informant with lathi and danda, as a result, the father of the informant received injuries on testis. Though the



father of the informant was taken to hospital, but he was declared dead.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant and in the background of land dispute, the accusation has been levelled. It is further submitted that there is specific accusation of indiscriminate assaulted by seven accused persons, but the postmortem report reflects only two injuries, i.e., one lacerated wound over right side of the face and other is fracture of temporal bone on the right side which suggest that the victim accidentally fell down and received injuries. The postmortem further negates the injury being caused to the testis of the victim. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR with specific accusation of assault.

Considering the accusation being omnibus and general against accused persons to have made indiscriminate assault to the father of the informant, but the accusation is almost negated by the medical opinion as recorded in the postmortem report, and a statement made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Saran at Chhapra, in connection with Sonapur P.S. Case No.1212 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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