

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57885 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- BANGAWON District- Saharsa

1. Amit Kumar Son of Late Kumod Jha @ Late Kumod Kumar Jha @ Chhotu Jha.
2. Awinash Kumar @ Awinash Kumar Khan, Son of Bhagwanji Khan @ Shree Bhagwanji Khan. Both resident of Village- Bangaon, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-09-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners have renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 341, 324, 325, 307, 384, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Gaurav Kumar recorded by A.S.I. Asharfi Pandit on 03.03.2018 at 1.05 P.M. at Emergency Ward, Sadar Hospital, Saharsa is to the effect that on 01.03.2018 at around 5.00 P.M. the informant was coming to his house with Rs.80,000/-, which he had taken from the petroleum dealership of his maternal uncle, in the



meanwhile, at a railway crossing the petitioner no. 1 Amit Kumar pointed pistol on the temporal region of the informant and co-accused Anshuman Kumar @ Golu assaulted with iron rod, as a result, the informant fell down on the ground, whereupon petitioner no. 1 Amit Kumar took out Rs.80,000/- and when the informant tried to stand up then co-accused Anshuman Kumar @ Golu assaulted the informant causing fracture injury on the left hand of the informant. Petitioner no. 2 Awinash Kumar assaulted the informant on his left leg with a hockey stick, as a result, having received injury the informant fell down. On alarm being raised, the nearby people rushed to rescue the informant, while petitioner no. 1 Amit Kumar threatened the informant to pay Rs.One lac per month as extortion, or face dire consequences.

It is submitted by learned counsel for the petitioners that the prayer for anticipatory bail has been renewed on the ground that earlier it was not in the knowledge of the petitioners that the informant has serious criminal antecedent as the informant is accused in four cases and most of them are registered under Sections 307, 354, 379, 363, 364 of the Indian Penal Code. It is further submitted that, in fact, the informant entered into the courtyard of co-accused Anshuman Kumar @



Golu in an inebriated condition and tried to outrage the modesty of the mother of co-accused Anshuman Kumar for which Bangaon P.S. Case No. 19 of 2018 was registered with accusation under Sections 341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code and it was in the said incident that the informant received injuries. It is also submitted that admittedly petitioner no. 1 has not caused any injury and there is no recovery from his possession and so far petitioner no. 2 is concerned, he has assaulted on the leg and the said injury has been found to be simple. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the accusation is of robbing the informant and there is no fresh ground for renewing the prayer for anticipatory bail.

Learned APP, however, submits that the petitioner no. 1 has not caused any injury and injury caused by petitioner no.m 2 has been found to be simple in nature, though, two injuries have been found to be grievous and it is alleged to have been caused by co-accused Anshuman Kumar @ Golu.

Considering the rival submissions of the parties, this Court is not inclined to revise the earlier order. But keeping in



view the fact that the petitioners are not having any criminal antecedent as stated in paragraph 3 of the petition, petitioner no. 1 has not caused any injury whereas the injury caused by petitioner no. 2 has been found to be simple in nature, coupled with the fact that the informant has serious criminal antecedent, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioners surrender before the learned Court below within a period of six weeks from today in connection with Bangaon P.S. Case No. 18 of 2018, pending in the Court of learned ACJM 1st, Saharasa. The learned Court below may consider to dispose the bail application of the petitioners preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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