

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2083 of 2020

Arising Out of PS. Case No.-300 Year-2019 Thana- SABAUR District- Bhagalpur

MANISH KUMAR Son of Raju Das Resident of Village - Sabour, Harijan
Tjola, P.S.- Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad
For the Opposite Party/s	:	Mr. Zainul Abedin
For the informant	:	Mr. Rikesh Singh
		Mr. Rakesh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-03-2020 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Sabour Police Station Case No. 300 of 2019, disclosing
offences under Sections 341/323/504/506/379/308/34 of the
Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that the petitioner assaulted the informant
by means of iron rod on her head.

Learned Counsel for the petitioner submits that the
petitioner has not committed the offence in the manner alleged
and both the parties are close door neighbours and the petitioner



has falsely been implicated in the present case along with other family members. He further submits that from perusal of the impugned order, it would be evident that the injury caused to the informant was not serious in nature and, thus, the police has registered the case under Section 308 of the Indian Penal Code, and not under Section 307 of the Indian Penal Code.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is direct allegation of assault on the head of the informant by the petitioner and the injury has also been found on the head of the informant and, as such, the petitioner does not deserve privilege of anticipatory bail.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are close door neighbours and it appears that no serious injury has been found on the person of the informant, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Manish Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Sabour Police Station Case No. 300 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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