

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8320 of 2020

Arising Out of PS. Case No.-76 Year-2019 Thana- NAGARNAUSA District- Nalanda

NARAIAN KUMAR @ NARAIAN PRASAD Son of Kishori Prasad @
Kishori Gope Resident of Village- Khiru Bigha, P.S.- Nagarnausa, District-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asha Kumari

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Mrs. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Nagarnausa P.S. Case No. 76 of 2019 for the offence punishable under Sections 307, 379, 504 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

The case of the prosecution in brief is that on



10.06.2019 at about 5:30 P.M. while the informant was going to his house, the petitioner and other co-accused persons surrounded him, abused him and had then assaulted him by means of *lathi* and *danda*, whereafter the petitioner is stated to have fired from his pistol, causing injury on the right wrist of the informant and then the accused persons had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a fair antecedent inasmuch he is an accused in one other case and has been falsely implicated in the present case. It is further submitted that there is no injury report on record to corroborate the allegation levelled by the informant.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

I have heard the learned counsel for the parties, perused the materials on record as also taken into account the materials available in the case diary. It is apparent from paragraph-35 of the case diary that even after about one month of the alleged date and time of occurrence, the Assistant staff of Primary Health Centre, Nagarnausa could not produce injury report before the police and had told the police official, who had gone there, that the police would be informed after the



injury report is prepared.

Having regard to the facts and circumstances of the case and considering the submissions advanced by the learned counsel for the parties, as also taking into account the materials available in the case diary, I find that prima facie there is no material on record to corroborate the allegation of assault levelled by the informant on the petitioner and others, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate/ Successor Court, Hilsa (Nalanda) in connection with Nagarnausa P.S. Case No. 76 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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