

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7500 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- MADHAURAH District- Saran

Varun Kumar @ Varun Singh Son of Uday Singh Resident of Village -
Mothaha, P.S.- Marhowrah, Dist.- Saran. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Shantosh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the sole petitioner and
learned counsel for the informant as well as State.

The petitioner in this case is seeking anticipatory bail in connection with Marhowrah P.S. Case No. 42 of 2019 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379 and 506/34 of the Indian Penal Code.

Learned APP has opposed the prayer for anticipatory bail of the petitioner.

Learned counsel for the petitioner submits that on perusal of the fardbeyan of the informant it appears that altogether five persons are named in the First Information Report, they had allegedly come at the house of the informant and assaulted the informant. The informant alleged that the two accused persons started beating him with hand and fist blow whereas the allegation against the petitioner is that he had assaulted the informant on his neck, he and one another accused had assaulted informant on his



neck and backside causing cut injury. It is submitted that in the fardbeyan there is no allegation at all that petitioner is carrying any weapon and further the injury as contained in Annexure 'P3' shows minor injury simple in nature on the right side of the neck which may be caused by a sharp cutting object. It is submitted that this injury seems to have occurred in course of scuffle but there being no allegation that the petitioner was carrying any weapon such injury may be caused even on fall on the ground.

It is submitted that the petitioner has no criminal antecedent and the alleged occurrence seems to have taken place because of some dispute for getting information under the Right to Information Act with respect to the expenses on MNREGA and Kabir Antyesti Scheme.

Learned counsel for the informant has opposed the application for grant of anticipatory bail as according to him, the petitioner had participated in the alleged occurrence and had assaulted the informant.

In the given facts and circumstances of the case, considering that altogether five accused persons are named, out of that three are said to have granted privilege of anticipatory bail and the allegation against the petitioner is though that he had assaulted on the neck but there being no allegation that he was carrying any weapon in his hand and the general allegation in the F.I.R. is that



the assault had taken place by hand and fist blow, the nature of injury being simple, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Marhowrah P.S. Case No. 42 of 2019 be released on bail on furnishing of bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required:

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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