

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14228 of 2020

Arising Out of PS. Case No.-951 Year-2019 Thana- BIHTA District- Patna

Rajesh Kumar, Male, aged about 26 years, S/O Shrawan Rai @ Shrawan Kumar, Resident of Village - Bhagwatipur, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Verma, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-09-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Bihta P.S. Case No. 951 of 2019 corresponding to G.R. No.3736 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that one Manish Kumar, son of Sanjay Verma, resident of Bhagwatipur, P.S. Bihta, District Patna submitted a written complaint to the officer-in-charge, Bihta P.S. dated 15.10.2019 alleging therein that around 4:00 P.M. on 15.10.2019 an altercation took place in respect of some matter between the informant near state tube-well of the village and the co-villager Pintu Kumar and Rajesh Kumar and thereafter, both of them started abusing the informant. Both the



co-accused left the police giving threats to the informant uttering that the informant will have to face consequences. Further it has been alleged by the informant that while he was returning home with his brother, Aman Kumar around 8:00 P.M., the co-villager Pintu Kumar and Rajesh Kumar assaulted the informant near Tin Muhani of the village 3-4 times with the aid of Farsa on the head resulting in bleeding head injury to the informant.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in this case in the background of local/village level politics. He further submits that the prosecution case appears to be manufactured and manipulated inasmuch as it does not disclose the reasons for the alleged occurrence and assault upon the informant and his brother. Rather, there is deliberate suppression on the part of the informant as regards the reasons behind the altercation and assault. He further submits that in the background of allegation against the petitioner to have assaulted the informant along with co-accused Rajesh Kumar with the aid of 'Farsa' 3-4 times on his head causing bleeding injury has no corresponding/ corroborating injury report on the record forming part of the case diary as is self-evident from the perusal



of the impugned order which does not in any manner refer to or take notice of the injury report or injuries as contained in the case diary. He further submits that the informant allegedly having received bleeding injury/ ies in his head, when referred to referral Hospital, Bihta on 15.10.2019, wherefrom the medical officer referred the case of the informant to the P.M.C.H., Patna for further test/ treatment, the informant approached the department of radiology, C.T. Scan unit, P.M.C.H., Patna on 09.11.2019. In other words, the informant underwent C.T. Scan at P.M.C.H. after 24 days of the alleged occurrence and injuries as claimed. It is further stated that the C.T. Scan report indicated normal study of the brain and no fracture etc.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Danapur in connection with Bihta P.S. Case No. 951 of 2019 corresponding



to G.R. No.3736 of 2019, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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