

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22430 of 2020

Arising Out of PS. Case No.-97 Year-2020 Thana- GARKHA District- Saran

1. BHANU SINGH @ RATNESH SINGH @ RATNESH KUMAR SINGH
Son of- Shri Dhruv Narayan Singh Resident of Village- Parsa, P.S.- Garkha,
District- Saran.
2. Mohan Singh Son of Late Rajendra Singh Resident of Village- Parsa, P.S.-
Garkha, District- Saran.
3. Yamuna Rai Son of Late Dhaneshwar Rai Resident of Village-
Vishambharpur, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr. Thakur Mr.Pravin Kumar
For the Opposite Party/s :		Mr.Manoj Kumar Md.Anis Akhtar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-11-2020 Learned counsel for the petitioners has submitted that during pendency of this application, petitioners no. 1 and 3 have been arrested.

According, this application, so far it relates to petitioners no. 1 and 3, has become infructuous.

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Garkha P.S. Case No. 97 of 2020, disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code.

It is alleged in the FIR that when the informant was



going in a motorcycle with his wife, he was intercepted by the FIR named accused persons including petitioner no. 2. It is alleged against petitioner no. 2 that he put a *lathi* as spanner in the wheels of the motorcycle because of which he fell down and thereafter he started assaulting the informant. It is also alleged that thereafter the accused persons assaulted him mercilessly because of which he sustained fracture injuries.

Learned counsel appearing on behalf of the petitioner has submitted that for an occurrence said to have taken place on 17.02.2020, the FIR came to be registered on 26.02.2020 which casts a serious doubt on the veracity of the prosecution's story. He has further submitted that, in any case, no case under Section 307 of the IPC can be said to be made out, even if what has been alleged in the FIR is considered to be true, for apparently the informant sustained injuries in his leg. There is no injury on any vital part, as alleged in the FIR. He has also argued that in most likelihood the informant sustained injury out of some accident and he is trying to falsely implicate the petitioner and others because of old enmity.

On perusal of the First Information Report, I find substance in submission made on behalf of the petitioner that the injury, if any, has been caused allegedly in the legs of the



informant. The possibility of having sustained such injuries in a road accident cannot be ruled out.

Considering the facts and circumstances, this application is allowed. Let petitioner no. 2, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Saran at Chapra, in Garkha P.S. Case No. 97 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner no. 2 shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

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