

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23060 of 2020

Arising Out of PS. Case No.-452 Year-2019 Thana- HISUWA District- Nawada

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GUNJAN KUMAR, Male, aged about 24 years, Son of Shyam Kishor Singh,
Resident of Village- Ghuriha, P.S.- Hisua, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Birendra Kumar, Advocate.
For the Opposite Party : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149 and 307 of
the I.P.C.

The prosecution story, in brief, is that the informant
Ravi Shankar Kumar @ Chhotu alongwith his two friends,



namely, Kaju Kumar and Chandan Kumar went to look the cultural programme in a village-Ghuriya. When they were enjoying the programme, in the meantime, in the night, 10-15 miscreants came in drunken state with arms. Co-accused Ravi Singh assaulted with Farsa on the head of one Kaju Kumar causing head injury, co-accused Bhola Singh also assaulted on the head of the informant causing head injury. Co-accused Chhote Kumar assaulted with Garasa to the informant. Co-accused Gunjan Kumar (petitioner) assaulted with knife upon the lips of Kaju Kumar by which the knife entered into below the lips. Deelip Singh assaulted with Farsa on the head of the informant causing head injury and also assaulted to Chandan Kumar. Thereafter, they fled away from the place of occurrence.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is alleged to have assaulted with knife to one Kaju Kumar. The injury report of Kaju Kumar is Annexure-3 to the present application. As per the injury report, nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out. There is case and counter



case between the parties. Free fight is alleged to have taken place between the parties.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Hisua P.S. Case No. 452 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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