

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25049 of 2020

Arising Out of PS. Case No.-80 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

SHRI DAYAL RAM Son of Late Banshropan Ram Resident of Village -
Kurra, P.S.- Mohania, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dharmendra Singh, Mr. Pawan Kumar Singh, Advocates.
For the Opposite Party/s :	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-12-2020 Heard Mr. Dharmendra Singh, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with Mohania PS Case No. 80/2020 registered for the offence punishable under Sections 341, 323, 307, 504, 506 of the IPC.

3. The allegation, as per First Information Report, is that the petitioner assaulted mother of the informant by means of Tangi (a sharp cutting weapon).

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and a scuffle between the parties took place on the eve of Holi festival on the issue of playing D.J. (Disc Jockey). Learned counsel further submits that there was free fight between the



parties and both the parties are neighbours. Learned counsel next submits that there is case and counter case between the parties and from the side of the petitioner, Mohania PS Case No. 79/2020 has been lodged prior to the present case. Learned counsel, referring to para-16 of the case diary, submits that statement of the victim has been recorded and she has categorically, stated that there was brick batting between the two parties and one of the bricks hit the head of the injured.

5. On the other hand, learned counsel for the State submits that the injury caused to the victim has been opined to be grievous in nature caused by hard and blunt substance, however, in para-16 of the case diary, the victim has categorically, stated that she has received injury on her head by means of brick.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that injury to the victim has been caused by brick and not by a sharp cutting weapon as alleged in the FIR, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, SHRI DAYAL RAM shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania PS Case No. 80/2020, subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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