

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66185 of 2019

Arising Out of PS. Case No.-267 Year-2019 Thana- PUPRI District- Sitamarhi

1. ALOK KUMAR @ ALOK KR S/o Kamlesh Choudhary
2. Kamlesh Choudhary S/o Deo Narayan Choudhary
R/o village- Dumharpatti, P.S.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv.
For the State	:	Mr. Binod Kumar, APP
For the informant	:	Mr. Jagjit Roshan, Adv.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

5 07-07-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the State assisted by learned counsel for the informant through video conferencing.

Petitioners apprehend their arrest in connection with Pupri P.S. Case No.267 of 2019 registered for the offences punishable under Sections 341,323,326,307/34 of the IPC.

The petitioners threw boiled rice water upon the person of injured Avinash Kumar.

Learned counsel appearing for the petitioners submits that according to prosecution case, the alleged occurrence took place on 24.06.2019, whereas written report was given on 02.07.2019. He further submits that as a matter of fact, the



injured sustained injury, accidentally, while scuffle took place between the petitioners and injured.

On the other hand, learned counsel appearing for the informant opposed the prayer submitting that it were petitioners, who threw boiled rice water on the person of injured as a result of which, injured as well as his brother sustained severe burn injury. Learned counsel for the informant submits that the delay has properly been explained in the First Information Report.

The perusal of case diary goes to show that at para-33 of the case diary, the statement of injured has been recorded. The injured has specifically, stated that while he was sitting on the chair, petitioners came there and pushed him as a result of which, he fell down on boiled rice water and sustained injury. However, the similar statement has been made by other witnesses which is evident from perusal of paras-34, 35 of the case diary. Therefore, the aforesaid statement of injured as well as aforesaid witnesses goes to show that the injured of this case perhaps sustained injury accidentally.

Considering the aforesaid facts and circumstances of the case as well as submission of the parties, let petitioners, in the event of their arrest/surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released



on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) within two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi or his successor in connection with Pupri P.S. Case No.267 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the observation given in this order shall not cause any prejudice to the trial court as the observation in this order has been given only to consider the petition filed under Section 438 of the Cr.P.C.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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