

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.520 of 2020

Arising Out of PS. Case No.-148 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

NITESH KUMAR (Male), aged about 25 years, Son of Shankar Singh,
Resident of Village- Sagar Sultanpur Tole Marachi, P.S.- Bhagwanpur Hat,
District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Yugesh Chand Verma, Sr. Advocate and Mr.
Anuj Kumar, Advocate.

For the Opposite Party : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 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.

Heard learned senior counsel for the petitioner and
learned counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 447, 342, 323, 324, 307,
504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 02.07.2019,
the informant's son was at his door, in the meantime, Nitesh
Kumar (petitioner), Rakesh Singh and Shankar Singh having
Lathi, Bhala and Gupti in their hand came there and abused and



on protest, Nitesh Kumar (petitioner) inflicted Gupti blow in the eye of informant's son. When his mother came to rescue him, co-accused Rakesh Singh and Shankar Singh assaulted her causing injury. Informant's son was treated by Dr. L.B. Chaudhary. They threatened for dire consequence if she will lodge the case. On 11.07.2019 also the accused snatched the documents of medical prescriptions treatment of his son, assaulted her and threatened for dire consequences.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The injury report does not indicate whether the nature of injury is grievous or simple. From perusal of Annexure-3, it is evident that the Sarpanch, Mukhiya and Ward Member of Gram Panchayat Raj, Uttari Sadhar, Sultanpur, Block-Bhagwanpur Hat, Siwan, have issued certificates to the effect that the informant's son got injury in his eye while he was playing Gully/Danda, annexed as Annexure-3 series to the present application.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned J.M. Ist Class, Siwan, in connection with Bhagwanpur P.S. Case No. 148 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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