

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27501 of 2021

Arising Out of PS. Case No.-309 Year-2020 Thana- PARWALPUR District- Nalanda

Dhananjay Kumar, Male, aged 51 years, son of Late Ram Lagan Singh, R/O
Village- Astupur, P.S.- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Anjani Prasad Singh, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-09-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner, which was allowed.

3. Heard Dr. Anjani Prasad Singh, learned counsel for the petitioner and Mr. Satya Nand Shukla, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Parwalpur PS Case No. 309 of 2020 dated 20.10.2020, instituted under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

5. As per the FIR, the informant alleges that when she



was cleaning her house, the wife of the petitioner came and started abusing her and in the meantime, the petitioner is said to have come with a small pistol and given butt blow on the head of the informant due to which she received injuries and then he is said to have fired and the bullet is alleged to have crossed touching her right hand and then there is general and omnibus allegation that they have gone upon the roof and started pelting brick-bats upon which husband of the informant also received injury on his nose and head.

6. Learned counsel for the petitioner submitted that the dispute was between the wives of two brothers; one being the petitioner. It was submitted that due to differences between the ladies, the incident has occurred and for the same, there is also a counter case being Parwalpur PS Case No. 311 of 2020. It was submitted that the injury on the informant discloses that there was no injury on the head and only a lacerated wound on the arm which was found to be simple in nature and further, that the injury report of the husband of the informant discloses that there was cut injury on forehead and nose and swelling on left wrist and the X-ray of the nose and the left wrist shows fracture of nasal bone. It was submitted that with regard to the said injury, the allegation is general and omnibus that brick-bats



were pelted from the roof. Learned counsel submitted that the petitioner has no other criminal antecedent. Learned counsel submitted that there has been injury on the side of the petitioner also.

7. Learned APP submitted that the petitioner has assaulted both the informant and her husband.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the parties being closely related and the specific allegation of assault on head as also firing not being corroborated by the injury report of the informant and in the FIR itself the allegation being general and omnibus with regard to pelting of brick-bats, which has resulted in injury to the husband of the informant as also the petitioner having no criminal antecedent, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Hilsa, Nalanda, in Parwalpur PS Case No.



309 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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