

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28243 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- CHAKAND District- Gaya

Md. Khalid @ Golden, Son of Md. Nazim Resident of Village- Lakhni, P.S.-
Chakand, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
For the Opposite Party/s	:	Mr. B.N. Pandey, APP
For the Informant	:	Mr. Bindhyachal Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-01-2021 Heard Mr. Ramakant Sharma, learned Senior Advocate for the petitioner and Mr. Bindhyachal Singh, learned Advocate for the informant. The State is represented by Mr. B.N. Pandey, learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Chakand P.S. Case No. 38 of 2020 dated 16.03.2020 instituted for the offences under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

In the game of Cricket, the petitioner was bowling whereas the victim had been batting. On the victim having accosted the petitioner for bowling at a faster pace, the petitioner grew angry and throw a stone/sharpenel at him, leading to injuries on his person.

Hence the case.



By order dated 04.12.2020, the case diary was called for and the petitioner was granted provisional bail.

Mr. Sharma, learned Senior Advocate for the petitioner has urged that though the victim has received injuries which have been reported to be grievous but the action of the petitioner can only be said to have taken place in a flash of temper in a game of Cricket. The petitioner may have used a piece of stone to cause hurt to the victim but the action was spontaneous in the field. The petitioner ought to have known the consequences of his act but under such circumstances, it has been urged, the emotions and the anger grew better of him.

Opposing the anticipatory bail application of the petitioner, Mr. Bindhyachal Singh, learned Advocate for the informant and Mr. Pandey, learned APP, have in unison, stated that if the petitioner would have used a wherewithal of a game for assaulting the victim, the situation would have been different. Picking up a stone and hurling it at the victim only reflects the intention of the petitioner to cause harm, rather grievous harm, to the victim. This cannot be allowed to pass off as an incident having taken place during the game.

Apart from this, it has been urged on behalf of the informant that because of the injuries suffered in



the transaction, the victim is not able to walk properly even today.

However, looking at the circumstances in which the victim received injuries at the hands of the petitioner, I do not consider it expedient to send the petitioner to jail.

The prayer for anticipatory bail is allowed.

The petitioner has been granted provisional bail. He shall remain on the same bail bonds.

However, it is cautioned that the petitioner shall remain careful in future and if at any point of time, he makes any attempt at crossing the roads with the informant or his family members, it would be open for the informant or the victim to move the court below for cancellation of his bail bonds.

The petition stands allowed with the aforesaid observation.

(Ashutosh Kumar, J)

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