

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28551 of 2020**

Arising Out of PS. Case No.-222 Year-2019 Thana- KHAIRA District- Jamui

PANKAJ KUMAR Son of Late Rameshwar Saw Resident of Village-  
Singarpur, Police Station- Khaira, District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar,Advocate

For the Opposite Party/s : Mr.Nagendra Prasad,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      20-01-2021                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Khaira P.S. Case No. 222 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 447, 504, 354, 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant has lodged this case on the allegation that the accused persons attacked on the house of the informant and indulged in abuse and assault. It is alleged that Pankaj Kumar gave knife blow on the cheek of Vikas Kumar causing injury and he also caused injury to the informant on her head.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the injury report of Vikas Kumar shows that he received injury on his scalp which is lacerated one caused by hard and blunt object and the informant also received injury on her head caused by hard



and blunt object and as such the weapons attributed to the petitioner is not getting support from the injury report. It is further submitted that there is counter version of the alleged occurrence also lodged by the petitioner's side.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein learned counsel for the petitioner has submitted that in the First Information Report there is an allegation against this petitioner that he had assaulted Vikas Kumar by a knife which had caused injury on the right cheek side but the injury report available in the case diary (paragraph '44') the injury report shows injury on the scalp and it is said to be lacerated (paragraph '16') caused by hard and blunt object, the further submission that the informant is said to have been assaulted by this petitioner on her head but the injury report of the informant (paragraph '18') shows lacerated wound caused by hard and blunt object, in view of the submission that there is a counter case as well, both the parties are close neighbours and have a land dispute and for this reason the present case has been lodged with over-implication of accused and the weapons attributed to this petitioner are not matching with the kind of injuries found on the body of the informant and Vikas Kumar, the petitioner has also cooperated in course of investigation and in paragraph '36' of the case diary it has come that he had appeared before I.O. and had submitted a bond of good conduct, let in case of his arrest or surrender the petitioner above-named within a period of four



weeks from today in connection with Khaira P.S. Case No. 222 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedents of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

**(Rajeev Ranjan Prasad, J)**

SUSHMA2/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

