

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28539 of 2020

Arising Out of PS. Case No.-164 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. BABLOO KUMAR S/o Ramesh Rai Resident of Village- Bajitpur, P.S.- Chapra Muffasil, Dist- Saran.
2. Sumit Sharma S/o Dinesh Sharma Resident of Village- Bajitpur, P.S.- Chapra Muffasil, Dist- Saran.
3. Dinesh Kumar Sharma S/o Late Rampravesh Sharma Resident of Village- Bajitpur, P.S.- Chapra Muffasil, Dist- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Shyam Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Nagendra Prasad, APP
For the Informant :	Mr. Uday Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-01-2021 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Chapra Muffasil P.S. Case No. 164 of 2020 registered for the offences punishable under Sections 147, 323, 325, 307, 504, 506 of the Indian Penal Code.

On the last date, learned counsel for the petitioners submitted that while allowing the anticipatory bail to the informant of this case in the counter case, the learned court below had wrongly recorded that the petitioner of the said case has suffered grievous injuries. It was his submission that all the injuries suffered by the petitioner (informant of counter case) are simple in nature.

Further submission of learned counsel for the petitioners



was that the brother of the informant of this case is a staff of Civil Court, Saran at Chapra and in fact he was granted bail because of his connections.

This Court having noticed the submission of learned counsel for the petitioners called for a report from the learned District and Sessions Judge, Saran. The report has been received and the same is kept at Flag 'B'. On perusal of the report, it shows that there is a categorical stand of the said employee that this informant is not his brother, he has given the name of his brothers.

Learned counsel for the petitioners once again submits that the informant of this case has suffered only simple injuries whereas the informant of the counter case had suffered one grievous injury, still privilege of anticipatory bail has been allowed to the informant and others from his side by the learned court below whereas the prayer for anticipatory bail of these petitioners has been rejected.

Learned counsel for the informant submits that on perusal of the materials collected in course of investigation, it would appear that there are specific allegations of causing assault against these petitioners. It is submitted that so far as grant of anticipatory bail to the informant of this case is concerned, the allegation against the informant was that he had assaulted Manish Kumar (Informant of the counter case) on his head by a daab. The said injury was found to be simple in nature.

It is submitted that the only grievous injury noticed on the



person of the informant of the counter case was not attributed to the informant of this case. It is further submitted that this informant has suffered multiple injuries inasmuch as 6 injuries have been noticed by the doctor and though the injuries are in the nature of grievous injuries but because one of the petitioners is the son of the driver of the Civil Surgeon, the injury report of this informant was made simple in nature.

Having regard to the facts and circumstances of the case, wherein this Court has noticed from the materials on the record that there is a case and counter case between the parties and both the parties seem to have indulged in causing assault to each other, the informant of the counter case (petitioners' side) has also suffered injuries as many as 4 injuries on his body, one of them has been found to be grievous in nature and another person from his side, namely, Naveen Kumar has suffered a sharp cut injury on the parietal region of the body and all including the present informant have been granted privilege of anticipatory bail, in the nature of the dispute and the materials showing the injuries of this informant being simple in nature, this Court is inclined to grant privilege of anticipatory bail to the petitioners, let in case of their arrest or surrender the petitioners above-named within a period of four weeks from today in connection with Chapra Muffasil P.S. Case No. 164 of 2020 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., Saran at Chapra, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds 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)

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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'.

