

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33353 of 2020

Arising Out of PS. Case No.-91 Year-2020 Thana- JALALPUR District- Saran

BIHARI PRASAD S/o Late Hazari Prasad Resident of Village-Makanpura,
P.S.-Jalalpur, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Adv.
For the Informan	:	Mr. Devendra Narain Singh, Adv.
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-01-2021 Heard both sides.

The petitioner seeks bail in Jalalpur P.S. Case No.91 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379 of the Indian Penal Code. Later on, Section 302 of Indian Penal Code was added by order dated 02.06.2020.

The informant alleged that on 28.05.2020, his son namely, Krishna Kumar was returning from Jalalpur Bajar to his residence but on the way when he reached near Makanpura community building, some miscreants caught him and on the point of pistol snatched Rs.4,000, a mobile phone and a chain made of gold. The son of the informant identified the miscreants who tried to kill him but in the meantime, some villagers of the informant came on the spot on a tractor. The miscreants fled



away. Thereafter, the villagers brought his son to hospital. It is further alleged that villagers disclosed the name of miscreants as Dhanesh Mahto, Rajesh Mahto, Shambhu Prasad, Ashok Prasad, Kameshwar Ram, Nagendra Ram, Rambabu Ram who assaulted his son and snatched money. His son was referred to P.M.C.H. for further treatment. On 29.05.2020, the informant and others went to the house of Dudhnath Mahto for inquiry but on the instigation of Dudhnath Mahto, the petitioner and others assaulted Subhash Kumar who got injuries and he is under treatment in Primary Health Centre, Jalalpur.

The learned counsel for the petitioner submits that one incidence took place when the son of the informant was assaulted and robbed. The name of the petitioner did not surface in that incidence. The name of the petitioner surfaced in the subsequent incidence which happened at darwaza of Dudhnath Mahto. No specific allegation of assault is made but during the course of investigation, it has come that the petitioner and others assaulted Subhash Kumar. It is submitted that on perusal of injury report of Subhash Kumar, two incised injuries were found but the doctor opined the injuries to be simple. The petitioner is in jail since 29.05.2020.

Learned A.P.P. as well as learned counsel for the



informant vehemently opposed the prayer for bail but the learned counsel for the informant referring the injury report submits that the doctor of course opined the injuries to be simple in nature but it further opined that the injuries were found on the face which appear to be dangerous to life.

Taking into consideration the fact that at the first instance, no specific allegation of assault is made against the petitioner but later on, petitioner is said to have assaulted Subhash Kumar with sharp edge weapon but the injuries found on the person of Subhash Kumar are simple in nature and petitioner is in jail since 29.05.2020 and also the fact that petitioner is not the assailant of Krishna Kumar, the son of the informant, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Chief Judicial Magistrate, Saran at Chapra in connection with Jalalpur P.S. Case No.91 of 2020.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

