

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35796 of 2020

Arising Out of PS. Case No.-322 Year-2020 Thana- CHAPRA TOWN District- Saran

1. Sagar Kumar (Male), aged about 46 years, Son of Madan Prasad, resident of village- Mauna, Banganj, Piparpati, P.S.- Chapra Town, District- Saran.
2. Vikash Kumar @ Vikas Kumar @ Pintu (Male), aged 26 years, Son of Madan Prasad, resident of village- Mauna, Banganj, Piparpati, P.S.- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. APP
For the Informant	:	Mr. Prabha Shankar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-03-2021 Heard Mr. Sanjay Kumar Singh, the learned counsel for the petitioners, the learned Additional P.P. and Mr. Prabha Shankar Mishra, the learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in Chapra Town P.S. Case No.322 of 2020, registered under Sections 341, 323, 324, 308, 504 and 34 of the Indian Penal Code.

The informant alleged that while he was in his house and was ready to go to his shop, Sagar Kumar, petitioner no.1 and Vikash Kumar @ Pintu, petitioner no.2 suddenly entered into his room. They were armed with weapons. The accused demanded Rs.2,00,000/- and when the informant protested, they



become furious. Sagar Kumar assaulted the informant with *farsa* on his head. The informant became badly injured.

Learned counsel for the petitioners submits that the informant concealed the fact in his *fardbeyan* that petitioners are his own brothers. They never demanded any money. In fact there was some dispute with regard to the shop run by the informant. The occurrence took place on 05.06.2020. The informant gave petition on 05.06.2020, but the FIR was lodged on 06.06.2020. The police sent the FIR to the court on 06.09.2020 and this fact itself shows the manipulation in the institution of the FIR and the injury report of the informant. The informant alleged that petitioner no.1 assaulted him with *farsa* on his head, but the informant got as many as three injuries, one incised wound, scratch marks below left elbow and scratch marks on both sides of neck. The informant did not disclose that who caused other two injuries to him. The doctor opined the injuries to be simple in nature as no bony-lesion was found.

Learned counsel for the informant submits that it was petitioner no.1, who is alleged to have assaulted the informant with *farsa* and, therefore, petitioner no.1 does not deserve anticipatory bail.

Having considered the submissions of both sides, it



appears that the informant alleged that the occurrence took place due to demand of money, but it appears that the informant and both the petitioners are own brothers and the story of demand of money is not substantiated. The informant of course got one injury said to have been caused by petitioner no.1, but it appears that the police sent the FIR to the court after three months of the occurrence.

Taking into consideration the facts and the nature of allegations made against the petitioners and the fact that the petitioners are own brothers of the informant, petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra in connection with Chapra Town P.S. Case No.322 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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