

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37072 of 2020

Arising Out of PS. Case No.-140 Year-2020 Thana- BARH District- Patna

DEEPAK KUMAR @ BITTU KUMAR, aged about 24 years, Male, son of
Bhola Prasad Singh, Resident of Village- Rampur Tola, Berhna, P.S.- Barh,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Arun, Advocate.
For the Informant	:	Mr. Akash Shankar, Advocate.
For the State	:	Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-08-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 324, 307 and
504/34 of the I.P.C.

The prosecution story, in brief, is that when the
informant was in a garden, at that time, Deepak Kumar @ Bittu
Kumar (petitioner), Prince Kumar and Bhola Prasad Singh were
also sitting in the same garden and the accused furiously ordered
to teach lesson and Deepak Kumar @ Bittu Kumar (petitioner)



gave a Katta blow on posterior part of the head and Bhola Prasad Singh gave a Khanti blow resulting injuries on wrist and the accused Prince Kumar gave a Sword blow on the informant, as a result, the informant sustained injury on the head and become unconscious, Bhola Prasad Singh gave a Khanti blow on hand, leg and right shoulder, in the meantime, Pankaj Singh and Sanjeev Singh arrived and shifted the injured to hospital.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The allegation of assault is denied by the petitioner. From perusal of the injury report which is part of the case diary, it does not show/indicate whether the nature of injury is grievous or simple. It is further submitted on behalf of the petitioner that at best, it is case for an offence under Section 325 of the I.P.C. No offence under Section 307 of the I.P.C. is made out. Even if the allegation made in the F.I.R. is accepted, only single knife blow is said to have been given by the petitioner upon the informant. There is no repetition of blow on the part of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned A.C.J.M.-Ist, Barh, Patna, in connection with Barh P.S. Case No. 140 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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