

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39325 of 2020

Arising Out of PS. Case No.-157 Year-2020 Thana- KHARIK District- Bhagalpur

1. DEVAKI NANDAN KUMAR @ DEOKI NANDAN KUMAR, Son of Late Jagrup Kumar Resident of Village- Dhruvganj, P.S.- Kharik, District- Bhagalpur.
2. Ratan Mala Devi @ Ratan Devi W/o Devaki Nandan Kumar @ Deoki Nandan Kumar Resident of Village- Dhruvganj, P.S.- Kharik, District- Bhagalpur.
3. Gulshan Kumar Son of Anjiv Chaudhary @ Anjjev Choudhary Resident of Village- Dhruvganj, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Geeta Kumari Jha, Advocate
For the informant	:	Mr. Puneet Siddhartha, Advocate
For the State	:	Ms. Asha Devi, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-11-2021 Heard Ms. Geeta Kumari Jha, learned counsel appearing on behalf of the petitioners, Sri Puneet Siddhartha, learned counsel appearing on behalf of informant and Sri Sanjay Kumar Tiwary, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners apprehend their arrest in connection with Kharik P.S. Case no. 157 of 2020, registered under Sections 341, 323, 324, 307, 379, 448, 504 and 506/34 of the Indian Penal Code.

Briefly stated, the allegation made in the F.I.R. is



that on 08.08.2020 at about 9.45 hours, while the informant was in the house, in the meantime, all accused persons named in the F.I.R. started abusing Ram Sevak Kumar, uncle of the informant, to this the informant protested and the accused persons jointly started assaulting to Ram Sevak Kumar. It has been alleged that Ashutosh Kumar assaulted with Axe on the head of Ajit Kumar, cousin brother of informant, and other co-accused assaulted to Ram Sevak Kumar with grievous weapon like iron rod and knife. It has been alleged that petitioner Nos. 1 to 3 also assaulted Ram Sevak Kumar and snatched gold necklace from the possession of Ajit Kumar.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and the present F.I.R. has been lodged as a counter blast to the case filed on their behalf in which all the accused persons are on bail. It has further been submitted by the learned counsel for the petitioners that injuries report have not brought on record by the counsel appearing on behalf of O.P. No.2 by way of counter affidavit and submits that from perusal of the injury report of Ram Sevak Kumar, it appears that all the injuries are simple in nature for which the allegation has been made against these petitioners.



Learned counsel appearing on behalf of O.P. No.2 draws the attention of this Court on several injury reports and submits that the injuries inflicted upon the victims are of grievous in nature and the same has been caused by these petitioners. He, however, admits that there is a long standing civil dispute among the informant and the present petitioners and their family members.

Learned A.P.P. appearing for the State, however, opposes the prayer of petitioner for grant of anticipatory bail.

Having perused the allegation made in the F.I.R. and the injury report, which has been brought on record by filing counter affidavit on behalf of informant, it appears that so far as these petitioners are concerned, they have assaulted Ram Sevak Kumar and the injury report of the victim Ram Sevak Kumar, as opined by the Medical Officer, JLNMCB, Bhagalpur, are simple in nature. I am of the opinion that the petitioners have made out a prima facie case for grant of anticipatory bail to them, let the above named petitioners No.1 to 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate 1st , Naugachiya in connection
with **Kharik P.S. Case No. 157 of 2020**, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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