

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8174 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- DAUDNAGAR District- Aurangabad

1. SIKANDER KUMAR @ ARCHANA KUMAR @ ARCHANA SINHA S/O LATE BIDHI SINGH RESIDENT OF VILLAGE BHAW BIGHA, P.S.-DAUDNAGAR, DISTRICT-AURANGABAD.
2. JAY PRAKASH SINGH S/O LATE BIDHI SINGH RESIDENT OF VILLAGE BHAW BIGHA, P.S.-DAUDNAGAR, DISTRICT-AURANGABAD.
3. JITENDRA SINGH S/O LATE BHULAN SINGH RESIDENT OF VILLAGE BHAW BIGHA, P.S.-DAUDNAGAR, DISTRICT-AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application as regards the petitioner nos.1 and 2 as according to him these two petitioners have already been arrested.

Now this application survives on behalf of the petitioner no.3 only.

Heard learned counsel for the petitioner no.3 and Mr.



Akhileshwar Dayal, learned APP for the State.

The petitioner no.3 in the present case is seeking pre-arrest bail in connection with Daudnagar P.S. Case No.249 of 2020 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner no. 3 submits that with regard to the alleged occurrence which took place on 15.08.2020 both sides have lodged cases against each other. So far as the present case is concerned, the allegation against the petitioner no.3 is that he had given a Bhala blow on the nose of the victim Dinesh Singh, however, the injury report which is available on the record would show that Dinesh Singh had suffered lacerated wound on his nose, it is his submission that a lacerated wound cannot be caused by a Bhala blow and the injury in such case would be in the nature of piercing wound.

Learned counsel further submits that Annexure-3 is the FIR of Daudnagar P.S. Case No.246 of 2020 which has been lodged one day prior to the present case on 17.08.2020, thus the counter case is prior in time and from the counter case it would appear that there is specific allegation that Dinesh Singh had assaulted this petitioner, this petitioner has suffered three



grievous injuries which may be noticed from the injury report available on the record.

Learned counsel further submits that this petitioner is a victim and the present case has been lodged only by way of an afterthought on the next day after lodging of Daudnagar P.S. Case No.246 of 2020.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner, but considering the facts and circumstances of the case and that the case lodged by the petitioner's side is prior in time and this petitioner has suffered three grievous injuries in the alleged occurrence in which it is alleged that the petitioner was assaulted by Dinesh Singh, this Court directs that the petitioner no.3 (Jitendra Singh) in the event of his arrest or surrender within a period of four weeks from today in connection with Daudnagar P.S. Case No.249 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, District-Aurangabad, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no.3 and in case at any



stage it is found that the petitioner no.3 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.3. 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.

(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'.

