

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20890 of 2021

Arising Out of PS. Case No.-354 Year-2020 Thana- LAXMIPUR District- Jamui

ABDESH KUMAR S/o Mahendra Das R/o Village - Mohanpur, P.S.-
Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niranjan Parihar, Advocate
For the Informant	:	Mr. Bharat Lal, Advocate
For the State	:	Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

11 20-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 120(b) and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case.

The informant alleges that on 08.09.2020 the petitioner was littering in front of the house of the informant by cutting bamboo and when the informant tried to stop him the petitioner assaulted the informant on his head by sword causing injury on account of which he fell down on the ground and lost his consciousness. It is alleged that Mithilesh Kumar came there with pistol and pointed the same on the informant. Further, all



the accused persons came to the place of occurrence with country made pistol and rod and when the villagers came to the rescue the informant, Indu Devi assaulted the informant on his private part and his mobile was taken away by Ajit Kumar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. From perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that on account of assault on his head by sword, he fell down and lost consciousness. Learned counsel submits that if the informant had lost consciousness on account of assault then how he could identify who were other accused who assaulted him. It is, thus, submitted that the informant with a view to give serious colour to the case has given an exaggerated version of the occurrence. It is next submitted that no doubt a free fight took place between the parties but then there is a case and counter case. It is next submitted that the case of the petitioner was instituted prior to the present FIR being Laxmipur P.S. Case No. 352 of 2020. Learned counsel submits that the said FIR was instituted by Indu Devi in which there is specific allegation of assault against the present informant and other accused persons leading to injury on the present petitioner and other accused persons of the present case.



Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that petitioner has not approached the Court with clean hand as in the anticipatory bail application he has concealed his antecedent. Learned counsel next submits that though the learned counsel for the informant on earlier occasion had submitted that the injury on the present petitioner was grievous but till date he has not been able to show the injury caused to the present petitioner.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that it appears that the person who has sworn affidavit perhaps was not aware that a case was pending against the present petitioner, as such, he has filed second supplementary affidavit bringing on record the antecedent of the petitioner as aforesaid. It is next submitted that he has the diary of Laxmipur P.S. Case No. 353 of 2020 and from perusal of the same, it would manifest that the injured of the said case has received grievous injury though the petitioner was not inflicted with an injury. It is next submitted that accused of Laxmipur P.S. Case No. 352 of 2020 have been granted anticipatory bail by order dated



27.07.2021 in Cr. Misc. No. 11173 of 2021. It is, thus, submitted that the Court should maintain parity.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Laxmipur P.S. Case No. 354 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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