

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24836 of 2022

Arising Out of PS. Case No.-192 Year-2021 Thana- MANJHI District- Saran

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KAMAL CHAUDHARY S/o Late Ganesh Chaudhary R/o village- Gareya
Tola, Dumaigarh, P.S.- Manjhi, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Bijendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant 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, 323, 324, 307 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on account of dispute relating to land of temple, the
present occurrence took place in which the accused persons
assaulted various persons from the side of the informant and this
petitioner assaulted Rajeev Ranjan, brother of the informant,
with an iron rod causing injury on his head.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that there is specific allegation against this petitioner of assaulting Rajeev by an iron rod but then from perusal of the injury report (Annexure-2 series to the anticipatory bail application), it would manifest that the injury suffered by Rajeev is of incised wound, thus it is submitted that incised wound can never be inflicted by a hard and blunt substance which amply demonstrates the falsity of allegations, it is next submitted that no doubt Doctor has opined the injury to be grievous but then the nature of allegation i.e., assault by an iron rod gets belied by the injury report.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and learned counsel for the informant submits that petitioner has not approached this Court with clean hands and has concealed his antecedent with a view to obtain bail, it is next submitted that petitioner is implicated in Brahampur P.S. Case No. 52 of 2022 in which he has been declared an absconder too.

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 Manjhi P.S. Case No. 192 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner, as submitted by the learned counsel for the informant and in the event, if it is found that Brahampur P.S. Case No. 52 of 2022 of Buxar District was instituted against the petitioner, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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