

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35101 of 2021

Arising Out of PS. Case No.-598 Year-2020 Thana- GARKHA District- Saran

CHANDAN KUMAR S/O- Shiv Shankar Ray Resident of Maiki, P.S. -
Garkha, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-06-2022 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 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a young boy of 20 years and is a person with clean antecedent and the informant alleges that on 11.12.2020, petitioner along with Pawan Rai, Reeta Devi and Priyanka Kumari came on the informant's land while the informant and others were ploughing the field and the petitioner assaulted Mundrika Rai and Chandrika Rai with *farsa* on account of which Mundrika Rai sustained injury on his head and leg and Chandrika Rai sustained cut injury on his leg, it is next alleged



that Pawan Rai assaulted Vinod Rai on his hand causing fracture, thereafter it is alleged that Rita Devi and Priyanka Kumari assaulted Geeta Devi and Jagpuria Devi with *lathi*.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that petitioner is alleged to have assaulted Mundrika Rai and Chandrika Rai causing injury but from perusal of the injury report of Mundrika Rai it would manifest that the same was caused by hard and blunt substance as such the allegation that he was assaulted by *farsa* gets belied. Learned counsel further submits that the mother of the petitioner also instituted Garkha P.S. Case No. 9 of 2021 dated 06.01.2021 against the informant and his family members and draws the attention of the Court to Annexure-2 i.e., the F.I.R. instituted by the mother of the petitioner and submits that the side of the informant are alleged to be the aggressor, as such it is submitted that there is a case and a counter case and admittedly for land dispute, the present occurrence took place. It is also submitted that minor sister of the present petitioner was assaulted on her head causing injury and the petitioner being a young boy was not able to withstand the trauma faced by his sister as such it may be possible that he might have assaulted but not with *farsa* as the



injury report does not gets corroborated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is a young boy and is a person with clean antecedent, 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. 20,000/- (Rupees Twenty Thousand) each 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 Garkha P.S. Case No. 598 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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