

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62216 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- DULHIN BAZAR District- Patna

SHASHANK KUMAR @ MITHLESH KUMAR Son of Kishuni Yadav
Resident of Village - Katiayapar, Police station - Dulhin Bazar, District -
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 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, 323, 307, 429, 379, 504, and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 19.07.2020 at about 7:00 P.M., when the informant along with his sons was at his home, petitioner and five other accused came and started abusing and when informant objected, Mukesh Kumar assaulted informant with an iron rod, further all the accused started firing and Mukesh



Kumar assaulted informant's son, Arvind Kumar with pistol butt on his head causing injury and when the informant's nephew and grandson arrived at the place of occurrence, they were also assaulted by all the accused on head by pistol butt and they both lay unconscious. Further Mukesh Kumar assaulted Rekha Devi by iron rod on head and the petitioner assaulted Kanti Devi by pistol butt on head because of which she fell unconscious, it is next alleged that on *hulla*, the villagers gathered and all the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that as far as this petitioner is concerned, it is alleged that he assaulted Kanti Devi by pistol butt on head causing injury. Learned counsel submits that the injury caused to Kanti Devi is simple in nature but in support of the same no document has been annexed.

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, 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) 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 Dulhin Bazar P.S. Case No. 151 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below shall accept the bail bonds of the petitioner only if the injury of Kanti Devi is found to be simple in nature. In the event, if it is found that the injury of Kanti Devi is not simple in nature, then the present order shall not be acted upon.

(Satyavrat Verma, J)

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