

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69076 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- JANDAHA District- Vaishali

SUNIL KUMAR Son of Rajendra Singh Resident of Village - Arnia, P.S. -
Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 504 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant, a pump operator, alleges that on
account of not starting the pump a dispute arose, accordingly,
the accused persons including the petitioner started abusing and
when the same was objected by the informant it is alleged that
petitioner assaulted him by an iron rod on his head causing
injury.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and even presuming what has been alleged in the FIR is true, without admitting the same then the assault is not repeated. It is further submitted that from perusal of the injury report at Annexure-2, it would manifest that injury no. 1 and 3 are simple in nature and injury no. 2 which is swelling on the occipital region is said to be dangerous to life. Learned counsel next submits that it absolutely does not stand to reason that the informant alleges in the FIR that on account of assault on the head bleeding started but the injury report does not even remotely suggest that there was any cut injury on the head of the informant. Learned counsel next submits that from perusal of the allegation as alleged in the FIR, it would manifest that on the issue of starting the pump, the present occurrence took place and petitioner is not a criminal.

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) 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 Jandaha P.S.
Case No. 98 of 2021, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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