

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72249 of 2021

Arising Out of PS. Case No.-198 Year-2021 Thana- ISLAMPUR District- Nalanda

HARENDRA PRASAD Son of Chhotu Yadav Resident of village - Chulhan Vigaha, Ward No. 3, Police Station - Islampur, District - Nalanda at Biharsharif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-08-2022 Heard Mr. Krishna Kumar Yadav learned counsel for the petitioner who appears on behalf of Mr. Ravi Shanker Pankaj, Advocate 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, 325, 447, 506, 379 and 307/34 of the Indian Penal Code.

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

The informant alleges that the accused persons including the petitioner entered the house of the informant and assaulted him and his wife causing fracture of the hand of his wife and thereafter assaulted his brother with Khanti causing



injury on the head.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that no reason or motive for the occurrence has been assigned. It is next submitted that no occurrence takes place without any motive or reason. It is further submitted that allegation of assault is general and omnibus in nature i.e. no specific allegation of assault has been alleged against any of the accused persons including the petitioner. It is next submitted that Islampur P.S. Case No. 199 of 2021 was instituted by Mantu Devi, wife of the petitioner against the informant and others as the informant assaulted her when she protested grazing of her field by his buffalo. Learned counsel submits that the occurrence took place on account of grazing of the field of the petitioner by the buffalo of the informant but in the present FIR, the informant alleges that all of a sudden the accused persons entered in his house and committed the occurrence when in reality it was the informant and his side who had assaulted the wife of the petitioner along with the petitioner when grazing of crop was objected. It is next submitted that from perusal of Annexure-3 and 4 series, it would manifest that from side of the petitioner the lady has received simple as well as grievous



injury.

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 Islampur P.S. Case No. 198 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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