

Arising Out of PS. Case No.-214 Year-2022 Thana- DERNI BAZAR District- Saran

... .. Petitioner/s

## Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr. Vinod Kumar, Advocate  |
| For the Opposite Party/s | : | Ms. Meena Singh, A.P.P.    |
|                          | : | Mr. Binod Kumar, Advocate  |
|                          | : | Mr. Sanjay Kumar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      24-07-2023                      1.    Heard learned Senior counsel for the petitioner,  
learned counsel for the informant and learned A.P.P. for the  
State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 302, 504 and 34 of the Indian Penal Code.

3. The informant alleges that on account of dispute relating to cutting of crop, an altercation took place in which it is alleged that eight named accused persons including the petitioner along with 4-5 unknown came variously armed, it is next alleged that on orders of Tarkeshwar Singh, the accused persons surrounded her husband and assaulted him with lathi, danda, legs and fists and when he fell down, thereafter threw a



stone on his chest on account of which her husband started bleeding from his mouth and nose, thereafter, it is alleged that Suresh, Raju and Kaushal came to rescue the informant and her husband when petitioner assaulted Kaushal with sword causing injury on his leg. It is next alleged that on the very next day of the occurrence the husband of the informant died during the course of treatment in PMCH at Patna.

4. Learned Senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that informant and the petitioner are agnates and they are having dispute relating to land for which a proceeding under Section 144 Cr.P.C. has been initiated, it is next submitted that petitioner were on their land when informant's side came and objected when an altercation took place in which both side assaulted each other. It is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the allegation is in two parts, it is further submitted that in the first part the allegation of assault against her husband is general and omnibus in nature, it is also submitted that though it is alleged that all the accused persons assaulted her husband but then it is not specific who assaulted him and who threw stones on his chest leading to



injury.

5. The learned Senior counsel next submits that from perusal of the postmortem report produced by the learned counsel for the informant, it would manifest that the deceased did not had any injury by sharp edged weapon when petitioner is alleged to have been carrying a sword and assaulting Kaushal causing injury on his leg.

6. The learned Senior counsel next submits that no doubt Kaushal is alleged to have been assaulted by the informant by sword but then the injury is simple in nature and is on non-vital part of the body, it is further submitted that the fact that Kaushal received simple injury that in itself demonstrates that the assault was not of such nature which could have caused grievous injury.

7. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner and the learned counsel for the informant submits that apart from a bald pleading made in the anticipatory bail application that injury of Kaushal is simple but then the injury of Kaushal is not on record, though postmortem report of the deceased is with him. It is next submitted that allegation is of assaulting Kaushal by sword causing injury on leg, it is next



submitted that since injury report of Kaushal is not on record, as such, the injury report of Kaushal be called for.

8. 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 trial court 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 trial court where the case is pending/successor court in connection with Derni Bazar P.S. Case No. 214 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify the injury report of Kaushal and in the event, if it is found that Kaushal suffered grievous injury in that event, the present anticipatory bail order shall not be given effect to.

**(Satyavrat Verma, J)**

GauravSinha/-

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