

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47602 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

1. Chandan Kumar Son Of Kedar Yadav @ Kedar Prasad Yadav Resident Of Village - Akainadih, P.S. - Mufassil, District - Nawada
2. Dhiraj Kumar Son Of Vinod Yadav Resident Of Village - Satauwa, P.S. - Giriyak, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Mufassil P.S. Case No. 109 of 2021 dated 20.04.2021 instituted for the offence punishable under Sections 279, 337, 338, 307/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 28.03.2021 at about 09.10 hours, when the informant along with her children Aryan Kumar and Aaradhya Kumar was returning from the house of Moti Mahto, a motorcycle loaded with a cartoon of liquor and which was being driven negligently by petitioners Dhiraj Kumar and Chandan Kumar, hit her son



Aryan Kumar and dragged him 20 feet with intention to kill, due to which his skull got dislocated. Thereafter they fled away by threatening her with dire consequences. It has also been alleged that they are involved in business of liquor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that as per the First Information Report, the present occurrence arises due to road accident. Learned counsel for the petitioners submits that the petitioners had gone to bring medicine of their mother, for which they were driving motorcycle in speed. Learned counsel for the petitioners submits that from the perusal of the impugned order, it is evident that the injury report of Aryan Kumar was issued from Patna Central Hospital but the same does not bear signature of the doctor, which creates doubt about the injury. Learned counsel for the petitioners further submits that as per annexure-3, a joint compromise petition has been filed by the informant and petitioners before the Sessions Judge during the pendency of the Anticipatory Bail Application no. 750 of 2021, in which it has been mentioned that due to misunderstanding the present case has been lodged. The matter has been sort out between the parties. Lastly, it has been submitted that petitioner no. 1 has



one criminal case while petitioner no. 2 has no criminal case against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Mufassil P.S. Case No. 109 of 2021, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Nawada subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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