

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45739 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- KUMAR KHAND District- Madhepura

1. SHARVAN KUMAR S/o Gajen Yadav Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.
2. Prashant Kumar S/o Jay Kant Yadav Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 28-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354, 379, 504, 506, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that on account of land dispute the present occurrence is alleged to have been taken place wherein it is alleged that the accused persons including the petitioners assaulted the side of



the informant and Pintu assaulted the informant by an iron rod causing injury on her feet and thereafter Sushant dashed the minor daughter of the informant on ground and Prashant is alleged to have assaulted the husband of the informant by a rod on chest causing injury. The learned counsel next submits that the date of occurrence is 31.01.2021 and the FIR came to be instituted on 03.02.2021 i.e., after a delay of three days. It is next submitted that in the FIR the informant alleges that the injured was taken to the hospital but then the police was not informed which cast an aspersion on the case of the prosecution. It is further submitted that the victim died thirteen days after the occurrence and thereafter Section 302 was added but then it is submitted that assault was not the proximate cause of death as in the postmortem report it has come that no external injury was found on the body of the deceased.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but is not in a position to rebut the submissions of the learned counsel for the petitioners that there is a delay in instituting the FIR and the postmortem report records that the deceased did not suffer any external injury nor the cause of death is asserted.

The learned counsel for the petitioners at this stage



submits that there is no specific allegation against petitioner no. 1 and petitioner no. 2 who is alleged to have assaulted the deceased is a young boy aged about 19 years and in the event, if he is sent to custody he may come in contact with hardened criminals and his entire career would get jeopardized. It is next submitted that in the nature of allegation and the submission recorded hereinabove the case of the petitioners be considered for grant of anticipatory bail.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Kumarkhand P.S. Case No. 34 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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