

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53690 of 2023

Arising Out of PS. Case No.-371 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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PRINCE KUMAR SON OF KAILASH SINGH @ KARE SINGH @
KAUSHAL SINGH RESIDENT OF VILLAGE - VISHNUPUR AHOK, P.S.
- SAHEBPUR KAMAL, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 149,
342, 323, 307, 224, 332, 353, 120B of the Indian Penal Code
and under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 294 liters of liquor from the house of Nago Singh
who was apprehended and thereafter it is alleged that the
accused persons including the petitioner along with 25-30 other
accused came and assaulted the informant with *lathi*, *danda* and
Nago Singh taking advantage of the situation fled, it is next



alleged that petitioner indiscriminately assaulted the informant with *lathi* causing injury on his head and Nago Singh assaulted him with *lathi* causing injury on his hand,

4. Learned counsel for the petitioner submits that the petitioner has been falsely has been falsely implicated in the present case, it is next submitted that no doubt it is alleged in the FIR that petitioner indiscriminately assaulted the informant with *lathi* causing injury on his head but then there is no injury report on record, it is thus submitted that allegation of assault is ornamental in nature or else the order impugned would have recorded about the nature of injury caused to the injured.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it is a case where the informant, a police officer, alleges that he was assaulted indiscriminately causing injury on his head and it may be a possibility that the learned District Court while rejecting the anticipatory bail application of the petitioner may have missed out on the injury caused to the informant.

6. 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. 1,000/- (Rupees One 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 Sahebpur Kamal P.S. Case No. 371 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned Trial Court before accepting the bail bonds of the petitioner shall verify the injury report of the informant and in the event if it is found that the informant has suffered any kind of injury on head in that event the present anticipatory bail order shall not be given effect to.

8. However, if no injury is found on the head of the informant in that event the present anticipatory bail order shall be acted upon forthwith.

(Satyavrat Verma, J)

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