

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59372 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- PALI District- Jehanabad

-
1. AMIT RANJAN @ AMIT KUMAR, aged about 25 years, Gender, Male, SON OF SUDHIR SHARMA
 2. ANKIT KUMAR @ FOKU @ FOKA @ RAJEEV KUMAR, aged about 23 years, SON OF SUDHIR SHARMA
Both are RESIDENTS OF VILLAGE - BEMBAI, P.S. - PALI, DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-12-2023 Heard Mr. Shashank Chandra, learned counsel appearing on behalf of the petitioners and Mr. Madan Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Pali P.S. Case No. 54 of 2023 dated 21.04.2023 registered for the offence(s) punishable under Sections 341, 323, 324, 307 and 504 read with Section 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons including the petitioners assaulted the informant and her 15 years old daughter, who had sustained head injury.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are agnate of the



informant and due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury on the person of the informant and her daughter. Petitioners are students and have clean antecedents. Learned counsel further submitted that no intention was there on part of the petitioners to cause any injury either on the body of the informant or her daughter and if intention was there to kill the informant or her daughter, in that case, the petitioners would have repeatedly assaulted the victims, whereas the allegation is of single blow on the head of the victims.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He makes it clear that the injury of the assault is specific against petitioner no.1, Amit Ranjan @ Amit Kumar.

6. Having considered the rival submissions made on behalf of the parties and the allegation made in the FIR, as well as, the evidence which has come in course of investigation, it appears that the petitioner no.1 assaulted the daughter of the informant, who had sustained head injury. The case diary reveals that the victim was admitted in the hospital on 20.04.2023, the day alleged incident had taken place and injury



report is dated 27.04.2023 with respect to the daughter of the informant and with respect to other persons, who had sustained injury, the investigating officer has found that the same was prepared on 14.05.2023, which creates suspicion as to whether the informant and her 15 years old daughter had sustained injury. It is specific case of the informant that petitioner no.1 had assaulted upon her daughter and no allegation has been made against petitioner no.2.

7. Considering the aforesaid facts and the injury report, I am of the opinion that petitioner no.2, has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner no.2, **Ankit Kumar @ Foku @ Foka @ Rajeev Kumar**, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, District, Jehanabad in connection with Pali P.S. Case No. 54 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. So far as petitioner no.1 is concerned, he may surrender before the District Court for seeking regular bail. In



that case, the District Court is directed to consider the bail application of the petitioner no.1 on the same day and pass necessary order on the basis of evidence collected in course of investigation.

10. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

