

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61857 of 2022

Arising Out of PS. Case No.-1019 Year-2021 Thana- NAGAR District- Vaishali

SHIVA KUMAR S/O RANDHIR RAM Resident of village- Babu Tola,
Hathsarganj, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Hajipur Town P.S. Case No. 1019 of 2021 for the offence registered under sections 341, 324, 307 and 506 of the Indian Penal Code lodged on 15.12.2021 by the informant, Abhishekh Kumar.

The prosecution case, in brief, is that informant Abhishekh Kumar gave his written statement alleging there in that on 05/11/2021 at 7. P.M. while he was returning from his elder sister home, at Anjanpir chawk, Shiva Kumar (petitioner) came and attacked him with sharp age weapon causing injury in his stomach. Thereafter, he was admitted to Sadar Hospital, Hajipur and from there he was referred to PMCH hospital for



better treatment. It is further alleged that on 16/11/ 2021 when the informant returned to his house, accused Shiva Kumar threatened that if he will lodge case against the petitioner, the whole family will be eliminated. Accordingly, the present FIR.

This Court has gone through the Injury Report and deems it fit and proper to incorporate the same:-

“Brief Clinical History/Findings :- An

A/C/O of penetrating injury to abdomen due to fall in Hataswgunj, Hajipur P.S.- Hajipur Nagar Vaishali around 7:00 PM on 05.11.2021. He was primarily treated at Sadar Hospital under Registration No. 35741 from there he was referred to PMCH for further treatment.

Illegible

BP- 122/76 mm of Hg

SPO2- 99

O/E

CNS-GCS 15/15

CVS- S1, S2 (+)

Chest- B/L clear

Abdomen- Tenderness(+)

Mild Rigidity (-)

Illegible”

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the comments of the Doctors of PMCH treating the injured stating the injury in abdomen due to fall as also the fact the petitioner do not have criminal



antecedent and is only 18 years of age, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 1019 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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