

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65587 of 2022

Arising Out of PS. Case No.-390 Year-2021 Thana- BARAUNI District- Begusarai

=====

AMAN KUMAR @ MIKKY S/O SUBODH SINGH @ SUBODH KUMAR
SINGH Resident of village- Chakballi, P.S.- Barauni (Refinery O.P.) District-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Barauni P.S. Case No. 390 of 2021 for the offence registered under sections 341, 323, 354, 307, 379, 504 and 34 of the Indian Penal Code lodged on 12.09.2021 by the informant, Harivansh Singh.

The prosecution case in brief is that informant namely Harivansh Singh got recorded his '*fardbeyan*' alleging therein inter-alia that on 09.09.2021 the petitioner and other co-accused persons started dragging his daughter-in-law and grand daughter into their house. On '*hulla*', the informant and his brother went there and made protest. Then, the co-accused Subodh Singh



assaulted the informant with '*iron rod*' upon his head. The co-accused, Golu Kumar assaulted Vijay Singh with '*iron rod*' upon his head. When the son of the informant came for rescue, the petitioner fired upon him by pistol. When it did not hit, then he assaulted with the butt of the pistol upon his head. Co-accused, Tirupurari Singh also assaulted the informant, his brother and his son with iron rod. During course of assault, co-accused, Heera Devi snatched gold chain from daughter-in-law of the informant. Accordingly, the FIR.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, Mikki @ Aman Kumar opened fire on Manoj Kumar and when it did not hit him, the further allegation is of assaulting by means of '*butt*' from the pistol causing injury on his head.

Learned Counsel for the petitioner has taken this Court to Injury Report of Manoj Kumar that the same has been found to be simple in nature. His further submission is that there is case and counter case, both are agnates and the matter relates to land dispute and it has been forcefully submitted by him that now the matter stands compromise between them. He further submits that irrespective of the outcome of the present petition and/or accepting the allegation, the petitioner intends to



pay Rs. 20,000/- as medical assistance to the injured, Manoj Kumar through Demand Draft issued by the State Bank of India local Branch.

Learned counsel for the informant although submits that he has no information about the compromise, accepts that the injuries have been found to be simple in nature.

Considering the aforesaid facts that there is case and counter case, do not have criminal antecedent and the injuries have been found to be simple in nature, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 20,000/-, as stated above.

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 Chief Judicial Magistrate, Begusarai in connection with Barauni P.S. Case No. 390 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

