

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70165 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Mantu Soni @ Sanjeev Kumar S/O Late Uma Shankar Prasad R/O Village-
Nai Kila Siwan, P.S- Siwan Town, Distt.- Siwan.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Chandra, Advocate
For the Informant	:	Mr. Ashish Giri, Advocate
For the State	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Anil Chandra, learned counsel appearing
on behalf of the petitioner and Mr. Ajit Kumar, learned APP
appearing on behalf of the State.

2. The petitioner seeks anticipatory bail in connection
with Siwan Muffasil (Mahdeva) P.S. Case No.383 of 2023
registered under Sections 323, 324, 341, 379, 385, 504, 506 and
34 of the Indian Penal Code.

3. The prosecution story, in brief, is that marriage of
the informant's sister Neha Kumari was solemnized with Amrit
Raj (petitioner) and on 09.07.2023, he found an information that
his sister was admitted in C. T. hospital and he reached to meet
his ailing sister, then suddenly, one Amrit Raj repeatedly
attacked on him with knife, as a result he sustained injury on his

head, under his eye and near his ear and blood started oozing out from his body. It is further alleged that when the informant was trying to flee away from there then outside of hospital petitioner Mantu Soni assaulted the informant by means of iron rod, thereafter, the petitioner along with another person snatched gold-chain from his neck and looted Rs. 15,000/- from him and threatened him.

4. Learned counsel appearing on behalf of the petitioner submits that the direct allegation is against one co-accused Amrit Raj, against whom allegation of assault on the head, ear and eye of the informant is there in the FIR. As per the injury report the injuries are grievous in nature and there is hearing loss which is caused by means of hard and blunt substance. He further submitted that, the petitioner was not present at the place of occurrence and just to implicate the petitioner false allegation has been made against him. It has not been mentioned that petitioner has assaulted on which specific part of the informant. Petitioner has clean antecedent.

5. Learned counsel Mr. Ashish Giri appearing on behalf of the Informant has validly opposed the prayer for grant of bail. He submits that in accordance with the opinion of the doctor, the injuries sustained by the informant on the left hand

are caused by hard and blunt substance. As per the allegation made in the FIR the allegation against the petitioner is that by means of iron rod they have assaulted informant. Direct allegation of assault is there against the petitioner therefore the petitioner does not deserve to be released on bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having heard the rival submissions made by the parties, as well as, allegation made in the FIR and purview of the injury report which reveals that the alleged incidence has taken place at C.T. Hospital, Siwan, where the accused persons named in the FIR and the relative, who was admitted and the informant were present. No reason has been assigned, as to why the informant was present there and why the assaulted persons have assaulted the informant. So far as the petitioner is concerned, allegation is that the petitioner had assaulted the informant with iron rod vide he tried to save his life. No specific allegation has been made against the petitioner that he is the one who has assaulted the informant on his left eye and left ear. However, the opinion of the doctor is that the informant has suffered ear loss and injury is grievous in nature.

8. The District Court is directed to call for the current

report of the informant with respect to injuries caused in his left ear and the degree of ear loss from the E.N.T. Department, Patna Medical College Hospital, Patna. The informant is directed to get himself examined within 1 week and on the date of examination the petitioner shall also be present, till that period petitioner is directed to be released on **provisional bail**.

9. In case, report reveals that the informant has regained his hearing ability as a normal person, then the District Court is directed to confirm the provisional bail, however, for the treatment of the informant, the petitioner is liable to compensate him.

10. In case of adverse report, the provisional bail granted to the petitioner shall lose its force.

(Purnendu Singh, J.)

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