

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27629 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- CHARPOKHARI District- Bhojpur

Dashai Singh @ Dasai Yadav, aged about 42 years, (M), Son of Late Ram Govind Singh, R/O Village- Mathurapur, P.S.- Charpokhari, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the State	:	Ms.Nirmala Kumari, APP
For the informant	:	Ms. Riya Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner; Ms. Nirmala Kumari, learned APP for the State and Ms. Riya Singh, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Charpokhari P.S. Case No. 226 of 2023 registered for the offence(s) punishable under Sections 147, 323, 504, 307, 506 and 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioner has assaulted the son and wife of the informant, as a result of which, they sustained injuries.

4. Learned counsel appearing on behalf of the



petitioner submitted that allegation against the petitioner is that he has assaulted the wife of the informant on her head by means of *lathi* and she was injured. There is no repeated blow, which shows that there was no intention to kill the wife of the informant. The C.T. scan conducted at a private centre reveals that no significant abnormality is seen in the brain parenchyma, however, no statement has been made to the said effect in the bail application as to from where, the petitioner has obtained the city scan report of brain of Lalmoti Devi and who has handed over the same to the petitioner. In this regard, he submitted that the same can be verified by the District Court. Petitioner has clean antecedent. Subsequent to the present FIR, father of accused no.5, namely, Wakil Singh had lodged the FIR against the informant. Petitioner has falsely been implicated in the present case.

5. Ms. Riya Singh, learned counsel, has tendered her appearance on behalf of the informant and has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. She has submitted that the petitioner is the one, who had caused injury on the head of the wife of the informant with an intention to kill her. She has admitted the fact that a case has been lodged against the informant by one co-accused, namely, Rohit Kumar,



however, she has made it clear that single blow by hard and blunt substance on the vital part of the body can only be held that the petitioner was pre-determined to kill the wife of the informant. She also informs that the CT scan is doubtful, as the same is not certified or is part of the FIR. The doctor has not given final opinion with respect to the nature of injury and, as such, the petitioner don't deserve to be released on bail.

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

7. Having considered the rival submissions made on behalf of the parties, as well as, the admitted fact that one injury has been sustained by the wife of the informant and same has been caused by the assault made by the petitioner, **the District Court is directed to call for the final opinion of the doctor in respect of the injury sustained by wife of the informant and if it is found that the injury is corroborated with the CT scan report furnished by the petitioner along with the bail application by way of Annexure 2 to the bail application, (at page no.13) and the same is simple in nature, then in that case, the petitioner, above named, 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**



eight 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 C.J.M., Bhojpur at Ara in connection with Charpokhari P.S. Case No. 226 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. In case, it is found that the injuries report as annexed in Annexure 2 of Kalpana CT Scan Centre, Sadar Hospital, Arrah (Bhojpur), Bihar a unit of Kalpanat Nursing Private Limited is found to be forged then in that case, this order shall automatically lose its force and appropriate proceeding is required to be drawn against the petitioner or all the concerned persons involved in the illegal act.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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