

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40795 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- DAUDPUR District- Saran

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Pankaj Kumar Singh @ Pankaj Singh, Male, aged about 33 years, son of Tarkeshwar Singh, resident of Village- Bangra, P.S- Daudpur, District- Saran at Chapra (BIHAR).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Daudpur PS Case No.62 of 2023 dated 23.02.2023, instituted under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence the informant was present at his Fly Ash Brick factory. Co-accused, Sanjiv Kumar, started destroying the bricks by pouring water on it. On protest made by the informant's staff, namely, Aditya Kumar Singh, co-accused Sanjiv Kumar Singh asked him his elder brother (petitioner) to assault the informant upon which the petitioner assaulted the



staff of the informant by means of *bhala* due to which he sustained injury on his head and fell down on the ground. Thereafter, all the accused persons along with wife of Pankaj Singh assaulted the informant. It is further alleged that the wife of Pankaj Singh had snatched the informant's gold chain and Rs.5000/- kept in the pocket.

4. Learned counsel for the petitioner submits that the allegation against the petitioner is that he assaulted the staff of the informant, namely, Aditya Kumar Singh with spear on his head, but the injury report of Aditya Kumar Singh shows that he received four injuries i.e., (i) sharp cut on the fore head (1½" x 1/4" x 1/4"), (ii) sharp cut on the left arm (1½" x 1/4" x 1/4"), Lacerated wound on the left thumb (½" x 1/4" x 1/4"), (iv) complain of lower back pain. In the final injury report, the doctor has specifically mentioned that the patient has refused to get his CT scan of head. Further submission is that the allegation against the petitioner is not corroborated by the injury report. The doctor has found sharp cut injury on the person of the injured, whereas, penetrating injury would be caused from spear. It is further submitted that co-accused, Tarkeshwar Singh and Sanjiv Kumar Singh, have already been granted bail by this Court by order dated 20.09.2023 passed in Cr. Misc. N. 58850



of 2023. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra, in Daudpur PS Case No.62 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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