

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56421 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- RANIYATALAB District- Patna

Siya Ram Yadav Son of Late Chhotu Yadav RESIDENT OF VILLAGE -
JITAN CHAPRA, POLICE STATION - RANI TALAB, DIST.- PATNA.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun .

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-09-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 504, 506, 34 of the Indian Penal Code and later Section 302 of the IPC was also added on 17.05.2024.
3. Learned counsel for the petitioner submits that petitioner has antecedent of one case.
4. It is next submitted that the informant alleges that accused persons including the petitioner came and Shiv assaulted Guddu with *Farsa* causing injury on head, thereafter Siya Ram (petitioner) assaulted Nitish by an iron rod causing injury on head, next Krishna and Govind assaulted her husband by *Khanti* and rod causing injury on his temple and neck while Chandan, Darvesh, Ramlakhan assaulted her by butt of gun and pulled her *saree*, thereafter, Chandan and Darvesh took chain of Guddu and



Rs. 50,000/- respectively, further it is next alleged that the husband of the informant died during the course of treatment.

5. Learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner is alleged to have assaulted Nitish by an iron rod causing injury on head, it is also submitted that the blow was not repeated, it is next submitted that the order impugned does not record about the nature of injury suffered by Nitish. It is next submitted that petitioner is not alleged to have assaulted the husband of the informant who died subsequently, but then since the petitioner belongs to the family of Krishna and Govind, as such, he has also been implicated.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner. The learned counsel appearing on behalf of the informant submits that there is a specific allegation against this petitioner of assaulting Nitish by an iron rod causing injury on head which is a vital part of the body. It is also submitted placing reliance on the case diary that the investigating officer of the case has recorded that he had gone to PMCH, Patna for getting the injury report of Nitish and others, but then the same was not provided to him on the ground that the same till date has not been prepared, as such, it cannot be said



that there is no injury report with regard to Nitish.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rani Talab P.S. Case No. 72 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify the injury report of Nitish and in the event if it is found that he has suffered grievous injury in that event, the present anticipatory bail order shall not be given effect to.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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