

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63902 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- DHAKA District- East Champaran

1. Om Prakash @ Om Prakash Singh S/O Daya Shankar Singh Resident of Village- Karashiya Semara Tola, P.S.- Dhaka, Dist- East Champaran at Motihari
2. Daya Shankar Singh S/O Late Hira Singh Resident of Village- Karashiya Semara Tola, P.S.- Dhaka, Dist- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-10-2024 1. Heard learned counsel for the petitioners, Mr. Rabindra Kumar learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 16.04.2024 at 06:00 a.m. she along with her family members were going to catch a bus when they were intercepted by the accused persons including the petitioners and Dayashankar Singh ordered to assault and even assaulted Sandip



by farsa twice causing injury on head, thereafter Om Prakash Singh assaulted Rakesh Singh by an iron rod causing injury on head and thereafter snatched the chain of the informant but on intervention of the villagers, they were saved and injured were taken to the hospital. Further, the reason for the occurrence is that the father-in-law of the informant has instituted a case against the accused persons.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that on account of existing dispute, the occurrence is alleged to have taken place. It is next submitted that though it is alleged that petitioners assaulted the injured but then from perusal of the order impugned, it would manifest that the same only discusses the injury but has not recorded the opinion of the Doctor.

5. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners and submits that the injury inflicted on the injured is on vital part of the body.

6. Learned A.P.P. for the State is present.



7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhaka P.S. Case No. 160 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of the injured and in the event if it is found that the injury suffered by the injured is grievous in nature in that event the present order shall not be given effect to.

(Satyavrat Verma, J)

Kundan/-

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

