

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65984 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- NEMDARGANJ District- Nawada

DEEPAK KUMAR son of Anil Singh R/Village - Bareo PS - Nemdargaj Dist-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Nemdarganj P.S. Case No. 35 of 2023, dated 04.04.2023
registered for the offences punishable under Sections 341, 323,
307, 379, 504 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that by
order dated 02.11.2023 case diary along with the final injury
report was called for. Thereafter, the case was taken up again on
20.02.2024 when the office was directed to issue reminder to the
learned trial court for sending the injury report but till date the
injury report of the injured has not been received as such the
court will not wait to decide the case merely for the reason that
injury report is not on record.

4. Learned counsel for the petitioner submits that



petitioner is a person with clean antecedent and has been falsely implicated in the present case with an allegation that he assaulted the injured with butt of the pistol on head causing injury. It is further submitted that there is no injury report on record.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that in absence of the injury report of the injured he is not in a position to rebut the submission of the learned counsel for the petitioner.

6. 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 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) 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 Nemdarganj P.S. Case No. 35 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 on head is grievous in nature in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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