

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70053 of 2024

Arising Out of PS. Case No.-364 Year-2024 Thana- HISUWA District- Nawada

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1. Shankar Kumar, S/o Niranjan Singh @ Niranjan Kumar, R/o vill - Kashibigha Nawada, P.S. - Hisua, Distt. - Nawada
 2. Nawlesh Kumar, S/o Janardan Singh, R/o vill - Kashibigha Nawada, P.S. - Hisua, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Hisua P.S. Case No. 364 of 2024 registered for the offences punishable under Sections 341, 323, 325, 307 and 379/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the brother of the informant was going to the house of his uncle, in the meantime, all the FIR named accused persons armed with lathi and rod intercepted. It is further alleged that on the exhortation made by petitioner no. 1, petitioner no. 2 assaulted the brother of the informant over his



head by means of iron rod due to which he fell down, whereupon petitioner no.1 also assaulted the brother of the informant by means of lathi over his head. There is further allegation that co-accused Upendra Kumar assaulted the injured by means of brick over his nose. There is allegation of snatching of valuables against other co-accused person.

4. Learned counsel for the petitioners drawing the attention of this Court to the FIR, firstly contended that the reason behind the occurrence is said to be a dispute between the parties on account of encroachment in the street. It is further contended that the allegation against both the petitioners of causing assault by means of iron rod and lathi does not corroborate with the injury report, which suggests only one injury. The injured was examined by the doctors of Sadar Hospital and no serious injuries have been found, rather the doctor(s) opined the same is simple in nature caused by hard and blunt substance, the copy of which has been marked as Annexure-P-2 to the bail application. Thereafter, the injured was treated in the private hospital wherein thrice his CT Scan was conducted on 27.06.2024, 30.06.2024 and 04.07.2024, respectively, but none of the CT Scan reveals that there is any fracture injury over the head of the injured but, surprisingly, the



CT Scan conducted on 09.07.2024 discloses that there is fracture injury which is quite surprising. It is next contended that so far the allegation against Upendra Kumar is concerned, that has not been supported by the injury report resulting into acceptance of his prayer for bail by the court below itself. It is lastly contended that, in fact, both the parties are next door neighbour and because of some dispute as has been stated hereinabove, the name of the petitioners have been implicated in this case. Moreover, the petitioners bear fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the injured was brutally assaulted at the hands of the petitioners and the injury is found to be grievous in nature and his treatment was done in the private hospital.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the injury report of the injured suggests only one injury over his skull, which does not corroborate the allegation of the FIR that he was assaulted by both the petitioners by means of iron rod as well as lathi over his head, coupled with the fair antecedent and the initial injury report issued by the Sadar Hospital showing it simple in nature as well as the genesis of the dispute giving rise



to lodging of the FIR, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Nawada in connection with Hisua P.S. Case No. 364 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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