

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71367 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- TARIYANI CHAPRA PS District-
Sheohar

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Bharat Ray @ Bharat Kumar Son of Late Hariday Ray Resident of Village -
Ladaura, P.S. - Tariyani Chapra, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 329(3),
109, 117(2) of the BNS.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 25-7-2024 at 6:15 pm, his father was sitting in
the courtyard when petitioner came and assaulted him with
spade causing injury and also assaulted the injured on waist and
chest crippling him, thereafter Ram Pravesh assaulted his father
when he fell and his father was taken to hospital from where he
was referred to Muzaffarpur for better treatment.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that no doubt petitioner is alleged to have assaulted the father of the informant, but then from perusal of Annexure-2 to the anticipatory bail application, it would manifest that the injury suffered by the injured does not get corroborated by the allegation as alleged in the FIR. It is also submitted that Annexure-2 is the injury report of the injured, but then the same does not record the nature of injury, i.e., injury is simple or grievous.

5. The learned APP opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the allegation as alleged in the FIR, it manifests that the father of the informant was assaulted brutally by the petitioner. It is next submitted that since the injury report does not record the nature of injury, which amply demonstrates that the opinion till date is reserved.

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 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 Tariyani Chhapra P.S. Case No. 58 of 2024, 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 father of the informant 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.

(Satyavrat Verma, J)

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