

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72125 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- HARNAUT District- Nalanda

1. Anant Kumar Son Of Radhey Yadav Resident Of Village- Ukhara, Ps-Harnaut (CHERO Op), Distt- Nalanda
2. Chandan Kumar Son Of Radhey Yadav Resident Of Village- Ukhara, Ps-Harnaut (CHERO Op), Distt- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Harnaut (Chero O.P.) P.S. Case No. 251 of 2023 dated 03.05.2023, instituted for the offence punishable under Sections 341, 323, 337, 307, 325, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 02.05.2023 the informant was going to Chero Market by motorcycle at about 10:00 am then accused persons intercepted the informant and started abusing and when the informant objected to it then they started assaulting him with intention to



kill. Accused Anant Kumar gave a *lathi* blow on his head due to that he got head injury and Chandan gave iron rod blow on his left arm due to which his left hand got fractured.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is allegation of assault against both the accused persons. During the investigation, no eye witness of the occurrence has supported the case of the prosecution. It is submitted that there is no injury on the head of the informant to substantiate the allegation. The injury report reveal that there is scratch on front forehead and ulna shaft fracture. The nature of injury is grievous in nature. The allegation of assault by iron rod on arm of the informant is against Chandan Kumar. There is specific allegation against petitioner no. 1, who assaulted the informant on the head by means of *lathi*. It is also submitted that there is no allegation of repeated attempt of assault on the body of the informant by the accused persons. Lastly, it has been submitted that they have two criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Considering the allegation of the accused persons, I



am not inclined to grant anticipatory bail to the petitioner no. 2, namely, Chandan Kumar, who assaulted with iron rod on the hand of informant due to which his left hand got fractured.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner no. 1 in connection with Harnaut (Chero O.P.) P.S. Case No. 251 of 2023, petitioner no. 1 be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif, subject to condition as laid down under Section 438(2) of the Cr.P.C..

8. Considering the facts of the case, if petitioner no. 2 surrenders before the lower court within six weeks, the case may be disposed of on its own merit on the same day.

(Khatim Reza, J)

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