

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78009 of 2024

Arising Out of PS. Case No.-334 Year-2024 Thana- PANCHRUKHI District- Siwan

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1. Ekramul Haque Son of Late Zahurul Haque Resident of Village - Chanp, PS- Sarai, Dist- Siwan
 2. Jafar Emam @ Jafar Mian @ Jhunnu son of Panbabu Resident of Village - Chanp, Ps- Sarai, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-11-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Panchrukhi Police Station Case No. 334 of 2024, dated 24.07.2024, disclosing offences under Sections 126(2)/115(2)/117(2)/109/352/3(5) of the Indian Penal Code.
3. The prosecution case, as per the written report lodged by the informant, is that on 23.07.2024, while the informant was at his door, in the meanwhile due to quarrel between the children, the petitioners, along with other accused persons, armed with lathi, sword, iron rod and knife,



came at the door of the informant and started abusing and assaulting the informant's son. It has further been alleged that the petitioners assaulted the informant's son Mahtab Alam due to which he sustained fracture in ulna on his left hand and 19 stitches on his head.

4. Learned counsel for the petitioners submits that the occurrence has taken place due to quarrel between the children. He next submits that allegation against the petitioners is that they assaulted the informant's son by means of iron rod and sword, but there is no sharp cut injury to the victim. The injury report of the victim, annexed at Annexure-P/3, shows that the injuries are simple in nature caused by hard and blunt substance and not by sharp cutting weapon. He further submits that First Information Report was lodged after delay of one day by the informant and the statement of the informant and/or victim was not recorded by the police during the course of treatment.
5. On the other hand, learned counsel for the informant vehemently opposes prayer for anticipatory bail of the petitioners and submits that doctor was managed by the petitioners due to which he has given injury report as



simple in nature and upon protest made by the side of the informant, the injury caused on the hand of the informant's son has been changed as grievous in nature due to fracture in ulna. In so far as injury caused on head to the informant's son is concerned, injury report has not yet been given by the doctor and it is expected to be furnished after some time.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the injury is said to be caused in ulna on the hand of the victim, which is non-vital part of the body and description of head injury of the victim mentioned in the injury report does not appear as serious, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan, in connection with Panchrukhi Police Station Case No. 334 of 2024, subject



to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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