

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86369 of 2023

Arising Out of PS. Case No.-567 Year-2023 Thana- MANER District- Patna

1. Sipahi Rai, Son Of Late Rama Shankar Rai @ Rama Rai Resident Of Sherpur Sheo Mandir, P.S. - Maner, District - Patna (BIHAR)
2. Kishor Rai @ Non Kishor Rai @ Nandkishor Rai, Son Of Late Rama Rai @ Rama Shankar Rai Resident Of Sherpur Sheo Mandir, P.S. - Maner, District - Patna (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 325, 307, 379, 354, 504, 506 and 34 of the Indian Penal Code.

3. By order dated 24.01.2024, a learned Coordinate Bench had directed the Investigating officer of the case to collect the injury report of Lalmati Devi and others from P.M.C.H. and other hospitals and case diary was also called for. Thereafter, the case was taken up on 29.02.2024, when another learned Coordinate Bench had directed to send the legible



carbon copy of the case diary along with injury report.

4. Today, when the matter is taken up, the office reports that neither the case diary, nor the injury report till date has been received.

5. The Court completely fails to appreciate the conduct of the learned Judicial Officer in whose Court the case is pending, if the case diary and the injury report as directed has not been sent, then there has to be some reason for it and the learned Court where the case is pending was obliged to inform this Court that as to under what circumstances the case diary and injury report has not been sent.

6. Let a copy of this order be sent to the learned District & Sessions Judge, Patna for his perusal and seeking an explanation from the learned Judicial Officer where the case is pending that as to why the case diary and injury report was not sent to this Court and based on the explanation furnished, the learned District Judge shall take his own independent decision.

7. This Court will not wait endlessly for inaction of the learned trial Court and the police in not sending the case diary and the injury report.

8. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been



falsely implicated in the instant case by the informant on account of existing dispute in between the parties. It is further submitted that petitioner no.1 Sipahi Rai is alleged to have assaulted Lalmati Devi by lathi causing injury on head and Kishor Rai @ Non Kishor Rai @ Nand Kishore Rai is alleged to have assaulted Lalmati Devi by an iron rod causing fracture of waist, but then, the injury report is not on record, which amply demonstrates that either no injury was caused to the injured or the injury report was caused is simple in nature.

9. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

10. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Miss Priya Kumari, the learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Maner P. S. Case No.567 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. The application stands allowed.



12. However, it is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the injury report of Lalmati Devi and in the event, if it is found that she suffered grievous injury on head and waist, in that event, the present anticipatory bail order shall not be given effect to.

13. It is further made clear that if the injury of the injured is simple in nature, in that event, the present anticipatory bail order shall be given effect to forthwith.

(Satyavrat Verma, J)

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