

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3910 of 2024

Arising Out of PS. Case No.-332 Year-2023 Thana- FATUA District- Patna
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1. Md. Salman @ Salman SON OF LATE MANZOOR ALAM @ MD. PAPPU @ MOHAMMAD MANJUR RESIDENT OF VILLAGE- HARSAS BIGAHA, PS-KHUSRUPUR, DIST- PATNA
2. RAVI KUMAR @ MD. RAVI KUMAR SON OF ASHOK YADAV @ ASHOK SINGH RESIDENT OF VILLAGE- NAYA TOLA, KHIRODHPUR, PS-KHUSRUPUR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP
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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-02-2024 1. Heard learned counsel for the petitioners and the learned A.P.P. for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 323, 341, 307, 504, 34 of the Indian Penal Code.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and he further submits that from perusal of the allegations, as alleged in the F.I.R, it would manifest that in heat of the moment, the occurrence is alleged to have taken place when the petitioner No.1 is alleged to have assaulted the



informant by iron rod causing injury on his head. The learned counsel next submits that the petitioner never had any intention of committing the act but in rage, the occurrence took place. The learned counsel for the petitioners next submits that as far as petitioner No.2 is concerned, he is not alleged to have assaulted the informant nor there is any specific allegation of assault attributed to him.

4. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners and submits that even if the occurrence was committed without any intention but then the allegation of assaulting the informant is on his head, which is a vital part of the body.

5. The learned counsel for the petitioners, at this stage, submits that the doctor has not opined about the injury, as such, it cannot be said that the injury is grievous.

6. 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 court below within a period of six weeks, are directed to 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 A.C.J.M.-I, Patna City in connection with Fatuha P.S. Case No. 332 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that the learned trial court before accepting the bail bond of the petitioners shall verify the injury report and if it is found that the injury caused to the informant is grievous, in that event, the present order shall not be given effect to with respect to petitioner No.1, namely, Md. Salman @ Salman.

(Satyavrat Verma, J)

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