

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12081 of 2020

Arising Out of PS. Case No.-359 Year-2019 Thana- RAJAOLI District- Nawada

Sarju Prasad Son of Moti Mahto Resident of Village - Dhaw (Sabalpur Chowk), P.S.- Rajauli, Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-10-2020 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Rajauli P.S. Case No. 359 of 2019, registered under sections 307, 379, 341, 323 and 384 of the Indian Penal Code.

As per allegation in the F.I.R, the accused persons including the petitioner herein, variously armed are stated to have assaulted the informant and others. The petitioner is stated to have assaulted the son of the informant with a *garasa*.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and concocted. The allegations in the F.I.R. are questionable on the ground of inordinate delay as the alleged occurrence is stated to



have taken place on 27.9.2019 while the F.I.R. was registered after 10 days on 7.10.2019 and the injury report does not support the allegation as made against the petitioner.

The application for bail is opposed by learned APP for the State.

Case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the material that has transpired in course of the investigation including the injury report of the son of the informant wherein only one injury caused by hard and blunt substance and which is said to be simple in nature, has been found, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Rajauli P.S. Case No. 359 of 2019, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

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(Partha Sarthy, J)

