

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83972 of 2019**

Arising Out of PS. Case No.-109 Year-2019 Thana- KATHAIYA District- Muzaffarpur

SHYAM DAS S/o Balendra Das R/o village- Gopalpur, P.S.- Kathaiya,
District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 16-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Kathaiya P.S.
Case No.109 of 2019 registered under Sections 447, 341, 323,
307, 379, 504 and 34 of the Indian Penal Code.

The informant named five persons including the
petitioner and alleged that they all caught Rakesh Kumar (son of
the informant) and began to abuse. When Raj Kumari Devi went
to save Rakesh, Shyam Das (petitioner) is alleged to have
assaulted her with bhujali on her head. Raj Kumari Devi got
injury and blood started oozing. Thereafter all the accused
persons are alleged to have assaulted Asha Devi. Shyam Das is
also alleged to have taken away Rs.25,000/- from the pocket of
Rakesh Kumar.

Learned counsel for the petitioner submits that the



petitioner is innocent and he has falsely been implicated in the case. No offence under Sections 307 and 379 of the I.P.C. is made out. Raj Kumari Devi got one wound which is simple in nature. The petitioner is alleged to have assaulted her with bhujali but the doctor found one stitch wound which is superficial and simple in nature. The allegation of theft is ornamental.

Having considered the facts that there is no repetition of blow given by the petitioner on Raj Kumari Devi and the injury found on the person of Raj Kumari Devi is superficial and simple in nature, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Muzaffarpur in connection with Kathaiya P.S. Case No.109 of 2019, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

