

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12859 of 2021

Arising Out of PS. Case No.-394 Year-2020 Thana- PHULWARISHARIF District- Patna

AMAN KUMAR @ MUNNA, Male, age about 22 years, Son of Pappu Ray,
Resident of Village - Dharaichak, P.S.- Phulwarisharif (Janipur), Distt.- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Ajay Kumar Thakur and Santosh Kumar,
Advocates.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-08-2021 A Mentioning Slip has been filed on 27.08.2021 by learned counsel for the petitioner, let it be kept on the record, stating therein that the petitioner was selected in B.S.F. and was in training in Bikaner but due to this false case, he was barred from the training and B.S.F. Training Academy (Rajasthan) sent him back. Again, the petitioner has passed the examination of S.S.B. (Shashtra Seema Bal) and his medical examination is to be conducted. Hence, he prays that this case may be taken up out of turn.

Considering the grounds mentioned in the Mentioning Slip, this case is taken up out of turn.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period



of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in connection with Phulwarisharif (Janipur) P.S. Case No. 394 of 2020 for the offence registered under Sections 147, 149, 341, 323, 324, 325, 307 and 504 of the I.P.C.

The prosecution story, in brief, is that on 19.07.2020 at about 10.30 A.M., at Plot No. 1206, the brother of the informant was abused, assaulted by the petitioner and other co-accused. Aman Kumar @ Munna (petitioner) hit the brother of the informant with *Spade (Kudal)* on his head, resulting into head injury and breaking of scalp. Co-accused Ankit Kumar also assaulted the brother of the informant with *Iron Shaft*.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not



come with clean hands. At best, it is a case for an offence under Section 325 of the I.P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Patna, in connection with Phulwarisharif (Janipur) P.S. Case No. 394 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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