

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19389 of 2021**

Arising Out of PS. Case No.-524 Year-2018 Thana- KUDHNI District- Muzaffarpur

Abhishek Kumar Son Of Arvind Kumar @ Sakal Sahni R/O Village-
Charkoriya, P.S.- Kudhani (TURKI O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 15-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is seeking regular bail in connection with Kudhani (Turki O.P.) P.S. Case No. 524 of 2018 dated 20.10.2018 instituted for the offences under Sections 341, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant had alleged that on 18.10.2018 while he along with his wife had gone to see Durga Puja at Chhajan Gola Chowk someone with ill intention was pulling his wife's hair and when he turned back he saw Abhishek Kumar and Mahesh Kumar were playing vulgar songs and were pulling



his wife's hair. Further, after sometime when the informant was standing near the beetle shop he saw accused persons including this petitioner along with 3-4 unknown persons, then this petitioner gave knife blow on the head of the informant causing injury and others assaulted by means of rod, *lathi* and *farsa* and when the wife of the informant came to his rescue, all the accused persons with ill intention tore her saree and blouse and Arvind Kumar opened fire and ran away taking the informant's uncle and informant's brother's motorcycle bearing Registration No. BR06AD9591 and BR06AD5799.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the occurrence is of 18.10.2018 and the F.I.R. has been instituted on 20.10.2018 and the same has been sent to the learned Court below on 25.10.2018 and the same remains unexplained. Further, the learned counsel submits that the allegation of assault against the petitioner is that he assaulted the informant on his head with knife but the injury is simple and as far as assaulting by *lathi* and rod on the person of the informant is concerned, with regard to that the learned counsel submits that the allegations are general and omnibus and injury on the right hand is on non-vital part of the body.



Learned A.P.P. for the State fairly submits after perusing the case diary that the injury on the head is simple. He further submits that there are three cases against the petitioner as mentioned in paragraph '3'.

Considering the fact that the petitioner is in custody since 12.08.2020, charge-sheet has been submitted in the case and injury on the head is simple, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, West Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 524 of 2018 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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