

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5311 of 2021

Arising Out of PS. Case No.-358 Year-2020 Thana- LAKHISARAI District- Lakhisarai

SHAILESH KUMAR PODDAR @ SHAILESH PODDAR SON OF
SURENDRA PRASAD PODDAR @ SURESH PODDAR RESIDENT OF
PURANI BAZAR, DHARAMSHALA ROAD, POLICE STATION
LAKHISARAI, DISTRICT-LAKHISARAI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surya Narayan Sah

For the Opposite Party/s : Mr. Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 14-12-2021 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State assisted by learned counsel for the
informant.

The petitioner apprehends his arrest in connection with
Lakhisarai P.S. Case No. 358 of 2020 registered for the offences
punishable under Sections 341, 323, 307, 504 and 34 of the Indian
Penal Code.

As per FIR, the co-accused persons assaulted the
informant and when her husband Kundan Kumar came to rescue her
the petitioner and co-accused Raju Poddar and Guddu Poddar badly
assaulted him. The reason behind the occurrence has been stated that



the accused persons wanted to grab the beauty parlor run by the informant.

Learned counsel for the petitioner has submitted that the informant is sister-in-law (*sarhaj*) of the present petitioner. He has submitted that there is admittedly some disputes relating to the shop in which beauty parlour is being run. He has also submitted that the petitioner has already lodged an FIR against the informant which is Lakhisarai P.S. Case No. 821 of 2019 in which he has mentioned that he has invested some money in that beauty parlour. He has further submitted that injuries sustained by the informant are simple in nature and caused by hard and blunt substance. Similarly, injuries sustained by the Kundan Kumar are also caused by hard and blunt substance but the opinion of the doctor could not be obtained since Kundan Kumar did not produce himself for x-ray and in this respect Kundan Kumar has written a letter to SHO which is annexed with the case diary in which the Kundan Kumar has stated that he could not produce himself for x-ray.

The learned APP assisted by learned counsel for the informant has opposed the prayer for bail. Learned counsel for the informant has submitted that the petitioner has criminal antecedent of four cases.

The antecedent of two cases has been mentioned in Paragraph-3 of the petition in which it has been mentioned that the petitioner was made an accused in Lakhisarai P.S. Case No.690 of



2019 under sections 341, 323, 354, 448, 427, 504, 506/34 of Indian Penal Code in this case he is on bail and another is Lakhisarai P.S. Case No. 766 of 2015 under sections 147, 148, 323, 379, 380, 427 and 384 of Indian penal code.

The petitioner has disclosed his criminal antecedent of two cases in paragraph No.-3 but the learned counsel for the informant has stated that there are four cases against him, if the learned court below finds that the averment made by the petitioner in paragraph No.-3 is not true, he will not be entitled for the benefit of pre-arrest bail otherwise, let the petitioner be released on bail in the event of their arrest or surrender within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 358 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

SONALI/-

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

