

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8590 of 2021

Arising Out of PS. Case No.-229 Year-2020 Thana- KARAHGAR District- Rohtas

LAL BAHADUR SHASTRI SON OF BHOLA SINGH RESIDENT OF
VILLAGE - GAREYA P.S. KARGAHAR, DISTT.- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaubey, Advocate

For the Opposite Party/s : Dr. Mrityunjay Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2021 Heard the learned counsel for the petitioner and Dr.
Mrityunjay Kr. Gautam, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kargahar PS case no. 229 of 2020 registered for the offences punishable under Sections 307 and other sections of Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having assaulted the informant and his son.

The learned counsel for the petitioner has submitted that the F.I.R. itself suffers from contradiction, inasmuch as in the first portion of the F.I.R., it has been stated that the petitioner was holding an iron rod and in the second part, it has been stated that he had assaulted by means of a stick



(*lathi*). The learned counsel for the petitioner has further submitted that the injury report annexed to the present petition would show that all the injuries are simple in nature. It is further submitted that the petitioner is having a clean antecedent, hence benefit of doubt can be granted for the purposes of grant of anticipatory bail. Lastly, it is submitted that the petitioner is innocent and on account of personal disputes, he has been falsely implicated in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that there is contradiction in the F.I.R., inasmuch as in the first part of the F.I.R., it has been stated that the petitioner is holding an iron rod whereas in the second part, it has been stated that the petitioner is holding a stick. Nonetheless, the fact is that simple injuries have been sustained by the informant and his son, accordingly benefit of doubt can be given to the petitioner, more so, considering the fact that he is having a clean antecedent. Hence, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.



Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar PS case no. 229 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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