

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29716 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- FATEHPUR District- Gaya

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Mithilesh Kumar @ Mithlesh Kumar, S/o Late Suraj Prasad, Resident of
Village- Fatehpur, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Arun Kumar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Fatehpur P.S. Case No. 59 of 2022 registered for the alleged offences under Sections 341, 323, 504, 506, 326, 307 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons came to the shop of the informant and they assaulted the informant and his son with knife. Co-accused



Vikash Kumar gave a knife blow in the abdomen of the informant whereas, this petitioner gave knife blow to the son of the informant in his abdomen and also in the right hand. They also took away Rs. 23,000/- from the cash box of the shop of the informant.

The learned Senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the contents of the FIR, it is apparent that there is dispute for demand of outstanding money and for the same occurrence, mother of the petitioner has filed a case lodging that the informant has assaulted co-accused Sudhir Kumar with knife. The injury found on the son of the informant is stated to be simple in nature. The learned senior counsel further submits that, however, the matter has been compromised between the parties. The petitioner is in custody since 17.02.2022 and charge-sheet has been submitted.

Learned APP as well as learned counsel for the informant opposes the prayer for bail. Learned counsel appearing on behalf of the informant admits the factum of compromise.

Having regard to the submissions made hereinabove and considering the nature of injury caused by the



petitioner and considering the submission of charge-sheet and period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Chief Judicial Magistrate-Xth, Gaya in connection with Fatehpur P.S. Case No. 59 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be Malti Devi, mother of the petitioner, who has sworn the affidavit in this case.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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