

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45026 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- BATHNAHA District- Sitamarhi

RAKESH KUMAR @ RAKESH PRASAD Son of Rajdeo Prasad Resident of
Khairbi, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Adv. Mr. Subodh Kumar, Adv.
For the Opposite Party/s	:	Mr. Santosh Kumar, Adv. Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 24-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 341, 323, 307, 504 and 34 of the Indian Penal Code.

As per the prosecution case, the eight named accused persons including the petitioner herein are said to have come variously armed and the petitioner is said to have assaulted Pramod Sah with the *garasa* on his head as a result of which he fell down unconcious.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. There is case and counter case between the parties with injuries on both the sides. The injury on Pramod Sah on whom



the petitioner is alleged to have assaulted, is in the opinion of the doctor simple in nature. The petitioner is in custody since 11.5.2021 and has no criminal antecedent. Chargesheet has been submitted in the case. It is further submitted that a supplementary affidavit has been filed stating therein about the death of father of the petitioner on 19.2.2022.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is a direct allegation against him of having assaulted Pramod Sah with a *garasa* on the head which is confirmed from the injury report (Annexure-3 to the petition).

Having heard learned counsel for the parties and taking into consideration the nature of injury on Pramod Sah together with the petitioner not having any criminal antecedent and having remained in custody for over 9 months, the Court directs the petitioner to be enlarged on bail in connection with Bathnaha P.S. Case no. 24 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

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(Partha Sarthy, J)

