

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70752 of 2021**

Arising Out of PS. Case No.-334 Year-2021 Thana- RUPASPUR District- Patna

BITTU KUMAR @ BITTU Son of Munna Bind Resident of Mohalla-  
Abhimanyu Nagar, P.S.- Rupaspur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Amritanshu, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      07-07-2022      This application has been listed under the heading  
“For Orders”.

Registry has pointed out several defects in the present  
application.

Mr. Amritanshu, learned counsel for the petitioner  
submitted that the defects are mainly because only e-filing of  
the applications are permitted by the Court. He submitted that  
the defects can be removed only after filing of hard copy is  
permitted. He undertook that even if the applications are heard  
and disposed of on merit, in due course of time, when the Court  
would permit filing of hard copy, the defects pointed out by the  
registry would be removed.

In view of the submissions made by the learned  
counsel for the petitioner, with consent of the parties, the



application has been taken up for hearing on merit.

The petitioner seeks pre-arrest bail in connection with Rupaspur P.S. Case No. 334 of 2021 registered for the offences punishable under Sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code.

Mr. Amritanshu, learned counsel for the petitioner submitted that the non-bailable offences in the present case are Sections 379 and 307 of the Indian Penal Code. He contended that so far as the offence punishable under Section 307 of the Indian Penal Code is concerned, there is no allegation against the petitioner that he assaulted anyone with any weapon. The specific case of the prosecution is that it was co-accused Guddu who assaulted with an iron rod upon Nitish Kumar. He further contended that the allegation made under Section 379 of the Indian Penal Code is a super addition in order to make the offence serious and implicate the petitioner and others apart from Guddu in the alleged offence. He further contended that the present case is nothing but a counter blast of Rupaspur P.S. Case No. 348 of 2021 registered *inter alia* under Section 307 of the Indian Penal Code on the basis of the written report submitted by the petitioner against the informant and his family members.



Learned counsel for the State opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the submissions made above, since there is no allegation that the petitioner assaulted anyone, he is directed to be released on bail, in the event of his arrest or surrender before the 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 Additional Chief Judicial Magistrate-II, Danapur, Patna in connection with Rupaspur P.S. Case No. 334 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Ashwani Kumar Singh, J)**

rohit/-

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