

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6769 of 2022

Arising Out of PS. Case No.-775 Year-2021 Thana- PHULWARISHARIF District- Patna

SHRAWAN KUMAR @ SARDAR S/O ANIL SINGH Resident of Mali Tola,
P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajiv, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Phulwarisharif PS case no. 775 of 2021 instituted for the offences punishable under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code.

The allegation is regarding the petitioner having reached the shop of the informant on 05.09.2021 along with his friends, whereafter he had demanded extortion money, however, on refusal, he had assaulted the informant by the butt of the pistol on his head, resulting in him sustaining injuries. It is also alleged that when the cousin brother of the informant had tried to mediate, he was also assaulted.

The learned counsel for the petitioner submits



that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 11.09.2021. The learned counsel for the petitioner has also submitted that a bare perusal of the injury report would show that there is no external injury, however, C.T. Scan shows Mild Haemorrhage, which is also not life threatening, hence, benefit of doubt may be given to the petitioner.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that there is no external injury, however, the C.T. Scan shows Mild Haemorrhage on the head of the informant, which is not specifically attributable to the petitioner herein, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 11.09.2021, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular 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 IXth Additional Chief Judicial
Magistrate, Patna in connection with Phulwarisharif PS case
no. 775 of 2021.

(Mohit Kumar Shah, J)

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