

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8578 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- ATHMALGOLA District- Patna

RAJEEV KUMAR S/o Biswanath Rai R/o Village- Ganjpar, P.S.-
Athmalgola, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Athmalgola P.S. Case No. 325 of 2022 registered for the offence
punishable under Sections 341, 323, 448, 307, 337, 338/34 of
the Indian Penal Code.

As per the prosecution, the informant and her family
members were assaulted by this petitioner and co-accused
persons by means of lathi, brick etc. over possession of a house
and dispute of money transaction.

The main submissions advanced by the learned
counsel for the petitioner are that the entire family members of
the petitioner have been made accused in this case, both the
parties are close neighbour and in the FIR, there is no specific



allegation of any overt act against the petitioner and in the alleged occurrence, two persons sustained simple injuries. Further submissions are that the petitioner has been languishing in jail since 15.11.2022 and the alleged offence of 307 of IPC is not made out in this case.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly the fact that in the FIR, there is no specific allegation against the petitioner and a dispute with regard to the possession over informant's house by the accused persons is stated to be the genesis of the occurrence, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Athmalgola P.S. Case No. 325 of 2022.

(Shailendra Singh, J)

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