

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13428 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- ROSERA District- Samastipur

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Upendra Das S/O Late Parmeshwar Das Resident Of Village- Ward No.- 2,
Khaira Lalpur, P.S.- Sonupur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Rosera P.S. Case No.
18 of 2022 registered for the offences punishable under Sections
147, 148, 149, 341, 323, 354, 504 and 379 of the Indian Penal
Code.

The allegation against this petitioner is to outrage
modesty of informant and also to assault her causing head injury
and while doing so taken away golden chain belongs to
informant along with other co-accused persons, where



occurrence arises out of neighbourhood disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is free fight in nature, where both parties received injuries and for same set of occurrence, Rosera P.S. Case No. 17 of 2022 was also lodged by petitioner against informant and others. It is pointed out that the nature of injury as received by informant during the course of occurrence is appearing simple. It is submitted that allegation of theft is not available against this petitioner and same is also appearing imported to aggravate the allegation only. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact that occurrence is free fight in nature, where injury received by informant is simple, accordingly, the above named petitioner, in the event of his arrest or surrender before the Court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate-I, Rosera, Samastipur/concerned Court,
where the case is pending in connection with Rosera P.S. Case
No. 18 of 2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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