

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18834 of 2023

Arising Out of PS. Case No.-268 Year-2022 Thana- PAKARIBARAW District- Nawada

LAXMIKANT KUMAR @ LAKSHMIKANT S/O UPENDRA MAHTO
Resident of Village- Koiria Bigha, P.S.- Pakribarawan, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2023 Heard Mr. Pramod Kumar Verma, learned counsel

appearing on behalf of the petitioner and Mr. Satyendra Prasad,

learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Pakribarawan P.S. Case No. 268 of 2022, dated
30.06.2022, registered under Sections 341, 323, 308, 379, 504,
506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that accused
persons are relative of the informant namely Gautam Kumar and
due to property dispute accused persons attacked on the
informant and his family members and there is specific
allegation against the petitioner and Upendra Prasad that they
assaulted the informant and his mother and sister.

4. Learned counsel appearing on behalf of the



petitioner submits that delay in lodging of the F.I.R. with respect to the incident which has taken place on 25.06.2022 and the F.I.R. has been lodged on 30.06.2022. The name of the petitioner has come in the F.I.R. due to inimical relationship and false accusation has been made against petitioner by the informant that he had pistol and allegedly assaulted him. Learned counsel further submits that there is general and omnibus allegation that petitioner along with co-accused Upendra Prasad assaulted the informant. However, no specific allegation is made against the petitioner that he had assaulted the informant. Since no specific allegation against the petitioner has been made, benefit of doubt may be given to him.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He has further submitted that the injury sustained by the informant is grievous and the same is attributable to the petitioner, as such the petitioner is not entitled to be released on pre-arrest bail.

6. Having considered the rival submissions made by the parties and considering the allegation that petitioner along with Uepndra Prasad assaulted the informant. No specific allegation of assault is made out against the petitioner that he



has caused grievous injury to the informant. It is admitted that the petitioner and informant are in inimical terms due to land dispute, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sri Diwakar Kumar, J.M., Ist Class, Nawada, in connection with Pakribarawan P.S. Case No. 268 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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