

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16502 of 2023

Arising Out of PS. Case No.-1009 Year-2022 Thana- KANKARBAG District- Patna

Mukesh Prasad @ Mukesh Kumar, Son Of Baldeo Prasad Resident Of Village
- Kankarbagh, Ashok Nagar Road No. 8/D, P.S. - Kankarbagh, Distt. - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 307, 354, 504/ 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that petitioner assaulted his son Ayush Raj by
lathi causing injury on head.

4. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is
next submitted that petitioner and the victim are own uncle and
nephew and on account of dispute relating to land, the
occurrence took place, in which both sides assaulted each other.



It is further submitted that case diary was called for along with injury report by order dated 29.05.2023, but the same, till date, has not been received.

5. Learned A.P.P. opposes the bail application and submits that from perusal of the order impugned, it would manifest that Ayush Raj on account of assault was admitted in ICU, which prima facie demonstrates that the injury suffered by him was grievous.

6. The Court does not intend to wait for the case diary and the injury report.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Harshvardhan Singh, learned J. M., 1st Class, Patna in connection with Kankarbagh P. S. Case No.1009 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that the learned trial



Court, before accepting the bail bonds of the petitioner, shall verify the injury of Ayush Raj and in the event, if it is found that Ayush Raj suffered grievous injury, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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