

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20863 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- THARTHARI District- Nalanda

Abhishek Kumar @ Makhan @ Makhan Kumar Son Of Munna Kewat
Resident Of Village- Tharthari Bazar, Ps- Tharthari, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Tharthari P.S. Case no.9 of 2022 registered under sections 308, 341, 342, 323, 354, 379, 448, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the four named accused persons including the petitioner herein started to abuse and assault the informant and others. Thereafter, the petitioner is said to have struck the *devar* of the informant with a sharp cutting weapon as a result of which he fell down unconscious.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The injury report of the *devar* of the informant brought on record as



Annexure-3 to the application does not support the prosecution case in so far as against the allegation of assault by a sharp cutting weapon, the nature of weapon used in the opinion of the doctor contained in the injury report is a hard and blunt substance. The petitioner is in custody since 10.11.2022 and charge-sheet has been submitted in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the allegations in the F.I.R read with the contents of the injury report (Annexure-3), the petitioner being in custody for 6 months since 10.11.2022, charge-sheet having been submitted in the case and the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Tharthari P.S. Case no.9 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, (Nalanda).

(Partha Sarthy, J)

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