

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20945 of 2023

Arising Out of PS. Case No.-262 Year-2021 Thana- SAKRA District- Muzaffarpur

Monu Kumar, S/O Sunil Ray R/O Village-Sirajabad, P.S- Sakra, Distt.-
Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code and cognizance has been taken under Sections 341, 323, 308, 504 and 506 of the I.P.C.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner assaulted him by an iron rod causing injury on his head.

The learned counsel for the petitioner submits that the petitioner was granted the benefit of Section 41-A of the Cr.P.C. It is next submitted that the petitioner has been falsely implicated in the present case, but even presuming what has been alleged is true without admitting, then the injury suffered by the informant is simple



in nature.

The learned counsel next relies on the case of ***Gauri Shankar Roy vs. the State of Bihar reported in 2015(3) P.L.J.R. 618*** wherein this Court after examining provisions of law and the earlier judgment had come to a considered conclusion that an anticipatory bail is maintainable in the event, if privilege of Section 41-A of the Cr.P.C. is availed by the accused persons. It is next submitted that police after investigation submitted charge-sheet under Section 308 of the I.P.C. read with other Sections.

Learned A.P.P. opposes the bail application.

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 the learned A.C.J.M. 12th, Muzaffarpur East in connection with Sakra P. S. Case No.262 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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