

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22087 of 2023

Arising Out of PS. Case No.-348 Year-2022 Thana- KHAGARIA District- Khagaria

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SURAJ KUMAR Son of Sri Bharat Yadav Resident of village-Mathar South,
P.S. Muffasil, District-Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Khagaria (Mufassil) P.S. Case no.348 of 2022 registered under sections 307, 379, 147, 148, 149, 341, 323, 504 and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, it is stated by the informant that over a dispute between the parties, the six named accused persons including the petitioner herein came variously armed. Shambhu Kumar started to abuse. On the orders of Bharat Yadav, Shambhu Kumar is stated to have given a blow



with a rod on the head of the informant's father. Further, Sunny Kumar also struck the informant's father with an iron rod. Bablu Yadav holding a country made pistol was stating that no one should come forward or he would be shot. It is further stated that Suraj Kumar (petitioner) also holding a pistol stated that no one should interfere or will be shot. The informant states that they took his father to the hospital from where he was referred to Begusarai for better treatment.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegation of assault is on Shambhu Kumar and Sunny Kumar. No overt act has been alleged against this petitioner who is in custody since 16.8.2022 and chargesheet 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 allegation against the petitioner in the F.I.R. wherein no overt act has been alleged against the petitioner, the petitioner being in custody for 9 months since 16.8.2022 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Khagaria (Mufassil) P.S. Case no.348 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 Judicial Magistrate 1st Class, Khagaria.

(Partha Sarthy, J)

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