

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23703 of 2023

Arising Out of PS. Case No.-195 Year-2021 Thana- KAKO District- Jehanabad

RAHUL KUMAR Son of Anil Kumar Rai R/V- Mariyari Tola Sukaranbigha,
PS- Kako, (Bhelawar O.P) Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kako (Bhelawar O.P.) P.S. Case No. 195 of 2021, registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having tried to forcibly plough the ancestral land of the informant and when the elder brother of the informant had intervened, the accused persons had caught hold of the elder brother of the informant and the petitioner is stated to have inflicted a lathi blow on his head resulting in him



being injured.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the police, upon investigation, has filed a charge sheet for the offences under Sections 341, 323 and 504/34 of the Indian Penal Code which are allailable, however, the learned court below has taken cognizance of the offences not only under the said sections but also under Section 307 of the Indian Penal Code, meaning thereby that the police, upon investigation, had not found the occurrence in question to be grave in nature.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the fact that the police, upon investigation, has filed charge sheet qua the petitioner herein, under bailable sections of the Indian Penal Code, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the 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 S.D.J.M., Jehanabad in connection with Kako (Bhelawar O.P.) P.S. Case No. 195 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

