

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29810 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- DAUDPUR District- Saran

RAJESH PRASAD @ RAJESH KUMAR PRASAD Son of Shri Shivjee
Prasad R/V- Saryupur PS- Daudpur Dist -Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Dr. Indihar Kumari. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Daudpur P.S. Case No. 45 of 2022 registered for the offence punishable under Section 147, 148, 149, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. It is the prosecution case that the petitioner is the organiser of the *Puja*. At the venue of *Puja*, some obscene music and songs were being played, which was objected by the informant, whereafter they have been surrounded by the petitioner along with several co-accused persons and assaulted invariably.

4. Referring to the allegations in the FIR, it is submitted by the learned counsel for the petitioner that against



the petitioner, there is allegation of firing, whereas none has sustained any gunshot injury in the occurrence. In fact, the petitioner and his mother are victims in the occurrence which took place on 06.02.2022 wherein the petitioner and his mother sustained injuries for which an FIR was lodged on 07.02.2022. The petitioner has subsequently been implicated in this case instituted on 10.02.2022. In fact, the petitioner has also sustained injuries, which is apparent from Annexure 3 series. The petitioner has no antecedents. The co-accused persons in the case lodged by the petitioner's side have already been allowed anticipatory bail in Cr. App. (SJ) 2321 of 2022.

5. Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that at the venue of *Puja*, the occurrence has occurred wherein the petitioner is a named accused.

6. Considering the rival submissions, clean antecedents and sequence of events emerging from the two FIR, and nature of injury, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Shri Vivek Upadhyay JM 1st Class, Saran at Chhapra in connection with Daudpur P.S. Case No. 45 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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