

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27158 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

JALDHAR PRASAD SON OF LATE MUNSHI PRASAD KUSHWAHA
RESIDENT OF VILLAGE- MALIKPURA, PS- BHAGWANPUR HAT,
DISTT-SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341,
323, 324, 326, 379, 504 and 34 of the Indian Penal Code.

3. The informant alleges that on 21.08.2022, when
he was grazing his cattle when four named accused persons
including the petitioner came and caught him from behind,
thereafter, it is alleged that petitioner stabbed the informant
with knife causing injury on head, it is next alleged that
Jagarnath Prasad took out gold chain from the neck of the
informant and Rinku Prasad took out Rs. 5000/- from his



pocket.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the date of occurrence is 21.08.2022 and the FIR came to be instituted on 24.08.2022 i.e., after a delay of three days without any plausible explanation. It is next submitted that if what has been alleged in the FIR is true then definitely the informant would have been hospitalized but then from perusal of the FIR it would manifest that the FIR has been instituted based on written application of the informant and that too after three days. It is next submitted that no doubt the Doctor has opined that one of the injuries to be severe but then it is recorded that the same was caused by blunt substance when the allegation against the petitioner is of assaulting the informant by knife.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 trial court within a period of six weeks from today,
be released on anticipatory bail on furnishing bail bonds of
Rs. 10,000/- (Rupees Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned trial
court where the case is pending/successor court in
connection with Bhagwanpur Hat P.S. Case No. 228 of
2022 subject to the conditions as laid down under Section
438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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