

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34569 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- PHULWARIA District- Begusarai

PRADHUM KUMAR SAH @ PRADHUM KUMAR S/O MANOJ KUMAR
SAH R/O Ward No. 9, Near UCO Bank, Vill- Baro, P.S- Phulwaria, Distt.-
Begusarai, Bihar, 851118.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amrit Kumar with Mr. Kumar Shanu, Advocates
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin, APP
For the Informant	:	Mr.Avinash Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Phulwaria P.S. Case No. 29 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 386, 307, 379, 504 and 506 of the Indian Penal Code.

3. It is alleged that the petitioner and other co-accused persons have assaulted the informant. The allegation of demanding ransom is also there.

4. Learned counsel for the petitioner submits that there is a subsisting land dispute between the parties, and therefore, all the brothers have been made accused in the instant



case. Even if the allegations, to the extent corroborated by the injury report as considered in the order of the learned Sessions Judge, are to be accepted, the petitioner cannot be held liable for the injury which has been sustained on the head, as there is no allegation against the petitioner of assaulting on head. The petitioner is man of clean antecedent, and merely because his brother of *Rikki Kumar*, he has been made an accused.

5. Learned APP for the State as well as learned counsel for the informant has opposed the prayer for pre-arrest bail. Learned Counsel for the informant has handed-over photocopy of the injury report to show that the informant has sustained injury on his head and there is some bleeding also, which has been found to be grievous in nature.

6. Considering the rival submissions, the fact that the assault attributed to the petitioner appears not to be corroborated by the injury report and his clean antecedent, as also the relationship with *Rikki Kumar*, 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 A.C.J.M-I, Begusarai/Concerned Court in connection with Phulwaria P.S. Case No. 29 of 2023, 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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