

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33401 of 2023

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

SHUBHAM KUMAR S/O MANOJ 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
		Mr. Kumar Shanu
For the State	:	Mr.Rajiv Nayan
For the informant	:	Mr. Avinash Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 30-08-2023 1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Phulwaria Police Station Case No. 29 of 2023, dated 11.02.2023, disclosing offences punishable under Sections 147/148/149/341/323/386/307/379/504/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that co-accused Rikki Kumar abused and assaulted the informant by means of iron-rod on his head, causing head injury to him, due to non-fulfillment of the demand of extortion money to the tune of Rs. 5,00,000/-. In the mean



while, the petitioner assaulted the informant by means of iron-rod on the back side of his head, causing head injury. Other co-accused persons, namely, Pradhum Yadav and Manoh Sah, have also allegedly assaulted the informant by means of iron-rod on different parts of his body.

4. Learned Counsel for the petitioner submits that all the accused persons are family members and they have falsely been implicated in this case due to land dispute, being co-sharers. He further submits that as per the First Information Report, the petitioner has allegedly assaulted the informant on the back side of his head; whereas the injury report reveals grievous injury at the frontal region of the head of the informant, which is not attributable to the petitioner. He next submits that the supervising authority (Superintendent of Police), in course of investigation, came to the conclusion that the complicity of the petitioner in the offence is not true. He further submits that the petitioner has got no criminal antecedent and co-accused Pradhum Kumar Sah has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 21.07.2023, passed in Criminal Misc. No. 34569 of 2023.



5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that all the accused persons, with common intention, have assaulted the informant and the informant has sustained grievous injury on his head, as would be evident from the injury report.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the supervision report of the Superintendent of Police and the fact that grievous injury caused to the informant is not attributable to the petitioner and co-accused has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. 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 learned 1st Additional Chief Judicial Magistrate, Begusarai, in connection with Phulwaria Police Station Case No. 29 of 2023, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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