

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36882 of 2023

Arising Out of PS. Case No.-534 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Rajesh Kumar Son of Bharat Prasad Resident of Village- Ward No. 19,
Panchit Gali, Patawa Toli, PS- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Praveen Kumar, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Daudnagar P.S. Case No. 534 of 2022, giving rise to Gr.
No. 1075 of 2022, registered for the offences punishable under
Sections 341, 323, 307, 504/34 of the Indian Penal Code.

3. It is alleged that while the informant had gone to
her matrimonial house with her husband, in the meantime, her
nephew namely, Rajesh Kumar (petitioner) and Prameshwar
Kumar along with his own brother Bharat Prasad surrounded
her and the petitioner gave an iron blow over the head of her
husband due to which he sustained injury. It is further alleged
that Prameshwar Kumar also assaulted her husband inflicting
serious head and other injuries. Further allegation has been



levelled against co-accused Bharat Prasad of assault to the informant.

4. Learned counsel appearing on behalf of the petitioner submits that in fact the occurrence has arisen on account of putting a lock on the shop which was in the name of co-accused Prameshwar Kumar and the informant and her husband forcibly unlocked the shop and took away the utensils of bronze and steel for that another FIR has been instituted by the mother of the petitioner being Daudnagar P.S. Case No. 535 of 2022. He further submits that on account of afore-noted dispute a free-fight has taken place which resulted into injury to the person of both the sides. That apart, the informant is the aunt of the petitioner and further Prameshwar Kumar had also filed a Complaint Case No. 296 of 2022 before the SDJM, Daudnagar on 26.08.2022 and the present case is nothing but a counter blast. He has further drawn the attention of this Court to the impugned order and with reference thereto he submits that the injury report also suggests lacerated wound found on the scalp but since the informant was referred for CT scan of brain, the final report has not been submitted. He lastly submits that the petitioner bears fair antecedent and he undertakes that he will not indulge in such crime in future.



5. On the other hand, learned counsel for the State opposed the bail application and submits that specific allegation has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of dispute and the fact that allegedly two persons have assaulted the informant's husband, however, it appears that he has received only one injury over his head, coupled with the counter version of the present case and the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 534 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

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

