

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38046 of 2023

Arising Out of PS. Case No.-389 Year-2022 Thana- UCHKAGAON District- Gopalganj

BITTU KUMAR SON OF ARJUN SAH VILLAGE PRASAUNI KHAS,
TOLA PIPRAHI, PS- UCHAKAGAON, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Ashish, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Uchakagaon PS case no. 389 of 2022, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.
3. The case of the prosecution, in brief, is that when the informant had gone to the house of his sister Umrawati Devi on 23.10.2022 at 6 am, his sister and other family members were, at that moment of time, cleaning the house on the occasion of Diwali festival, however, in the meantime, the accused persons including the petitioner herein, armed with *lathi* and iron rod, had arrived there, whereafter they had assaulted the informant, his daughter and his nephew. As far as



the petitioner is concerned, he is stated to have assaulted the daughter of the informant and his nephew.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The petitioner is stated to be an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner, by referring to the impugned order dated 13.02.2023, has further submitted that the injuries sustained by the daughter of the informant and his nephew have been found to be simple in nature, hence, benefit of doubt can be granted to the petitioner for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the injuries sustained by the injured persons have been found to be simple in nature, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the



event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M.-IXth, Gopalganj in connection with Uchakagaon PS case no. 389 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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