

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39496 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

RAJA KUMAR @ ABHI @ RAJ SON OF MOHAN YADAV @ MOHAN
PRASAD VILLAGE BHARAV PER BEHIND OF ASHIA HOTEAL PS
LEHERI DISTRICT NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Laheri P.S. Case No.540 of 2022 registered for the offence under Sections 341, 323 and 307 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 22.03.2023.

4. The allegation against the petitioner is to assault the son of the informant, along with other co-accused persons, causing head injuries, having intention to cause his death, where, reason of occurrence is not explained through the FIR.

5. Learned counsel appearing on behalf of the



petitioner submitted that initially petitioner was not named with FIR, but subsequently, during course of investigation, on the basis of statement of injured, he was implicated with present case. It is submitted that if the statement of injured son of the informant be taken into consideration, then certainly the allegation of physical assault is appearing very much general and omnibus in nature, in the background of the fact that alleged assault was to be caused by other 03 co-accused persons including this petitioner. While concluding the argument, it is submitted that petitioner found involved in 01 more case, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as allegation for physical assault is very much general and omnibus, in terms of statement of injured himself coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 22.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Laheri P.S. Case No.540 of 2022, on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Court, Nalanda/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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