

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46047 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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ADITYA KUMAR S/O AKSHAY OJHA R/O Village- Kumhaila, PS. Issua-
pur, Dist.Saran at Chhapra, currently residing in Village- Bankat, PS.Muffasil,
Dist. East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate.

For the Opposite Party/s: Mr.Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor appearing for the

State.

2. Petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 103 of 2023 dated 30.1.2023
registered for the offence punishable under Sections 341,
323, 324, 308, 379, 504 and 34 of the Indian Penal Code.

3. As per the First Information Report, the
petitioner gave *farsa* blow on the head of the informant due
to which he sustained injury.

4. Learned counsel for the petitioner submits that
the scuffle had taken place between the parties on the issue



of dumping of soil on the road blocking the passage leading to the house of the accused persons and there is case and counter case also lodged by the side of the petitioner against the informant and other bearing Muffasil P.S. Case No. 104 of 2023. Learned counsel next submits that from perusal of the impugned order it would be evident that the case diary and injury report were not produced by the prosecution before the learned Sessions Judge, Motihari and the parties have compromised their dispute.

5. Regards being had to the submission made by the parties and taking into consideration the fact that there is case and counter case between the parties, the occurrence had taken place on the issue of blockage of passage, there is delay of four days in lodging the First Information Report and the prosecution has not produced the injury report of the informant, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Muffasil P.S. Case No. 103 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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