

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43162 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- ATHMALGOLA District- Patna

AKSHAY KUMAR SON OF VINOD SINGH R/O VILLAGE- KARJAN,
P.S.- ATHMALGOLA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Athmalgola P.S. Case No. 104 of 2023 dated 03.05.2023 registered for the offence punishable under Sections 341, 323, 448, 324, 307, 354, 379 and 504 read with 34 of the Indian Penal Code.

4. As per the prosecution case, when the informant's wife was alone at home, the co-accused Anil Singh entered the house of the informant and tried to misbehave. On seeing the



informant, he fled away and after few minutes the petitioner and the co-accused persons entered the house of the informant and started *lootpat* and they tore saree of the informant's wife and also assaulted her with fists and slap. When the informant went to rescue, then the co-accused Anil Kumar ordered to kill him, on hearing this the co-accused Biswajeet Kumar assaulted him with sword causing cut injury on his hand. When informant's brother came to rescue, they also assaulted him and made him unconscious.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The specific allegation of inflicting sword blow is against the co-accused Biswajeet Kumar. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 05.05.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Barh, Patna in connection with Athmalgola P.S. Case No. 104 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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