

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45949 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- PARSABAZAR District- Patna

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Golu Mistri @ Pramod Kumar Son of Krishna Sharma @ Krishna Mistri
Resident of Village - Sadanichak Charo (Khaira Toli), P.S.- Parsa Bazar,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Parsa Bazar P.S. Case No. 145 of 2023, registered on 16.03.2023, for the alleged offence under Sections 341, 323, 379, 354, 307, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons entered into the house of the informant and took away Rs. 2,000/- cash and assaulted the informant and his family members, causing a number of injuries to the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is next door neighbour of the informant. Due to dispute over drainage water in the street, some altercation took place and the instant case has been lodged after procuring injury report on false ground. The occurrence is said to have taken place on 07.03.2023 and the injury report is of dated 14.03.2023 and the FIR was registered on 16.03.2023, which shows deliberation and concoction and there is no explanation for the aforesaid delay. Learned counsel further submits that there is no specific allegation against the petitioner in the FIR and general and omnibus allegations have been levelled against all the accused persons. From the facts of the FIR, no offence under Section 308 of the Indian Penal Code is made out and invoking of Section 379 is merely super-addition. Even the injury reports do not show any serious injury.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering non-specific nature of allegation against the petitioner and further considering the delayed injury report as well as FIR and also considering the probability of false implication, let the petitioner above named, in the event of his arrest or surrender before the



court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Patna/concerned court in connection with Parsa Bazar P.S. Case No. 145 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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