

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45233 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

1. YUGAL KISHOR PATHAK @ JUGANU PATHAK SON OF LATE MAKHAN LAL PATHAK RESIDENT OF VILLAGE - PACHMAHLA NAI SADAK, PS- VISHNUPAD, DISTRICT- GAYA
2. RITIK KUMAR PATHAK @ RITIK PATHAK SON OF JUGANU PATHAK @ YUGAL KISHOR PATHAK RESIDENT OF VILLAGE - PACHMAHLA NAI SADAK, PS- VISHNUPAD, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Jee
For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

The informant alleges that the petitioner along with other named accused assaulted him by iron bangle which he was wearing causing injury on nose and near the eyes and took away golden chain and Rs. 5,000/- from his pocket.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true without admitting then the allegation of assault is not specific, it is further submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the petitioner and the informant are *panda* and there was a scuffle between the side of the petitioner and the informant with regard to a dispute relating to land, it is further submitted that on spur of the moment, the occurrence took place though there was no intention on part of the petitioner or other accused persons to commit any serious offence, as such, the blow is not alleged to be repeated. It is very fairly submitted that no doubt the injury suffered is grievous but then the same was not intentional rather the occurrence took place on the spur of the moment.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaya Rail P.S. Case No. 109 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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