

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46635 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- BIKRAM District- Patna

Sanjay Singh @ Sanjay Kumar Son of Arjun Singh Resident of village -
Dadapur, P.S. - Bikram, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Sen Upadhyay, Advocate.

For the Opposite Party/s : Mr. Satyendra Nr. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2023 Heard Mr. Bhim Sen Upadhyay, learned counsel for
the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Bikram P.S. Case No.40 of 2022, registered for the offences punishable under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code.

3. Allegedly, on account of dispute with regard to the partition of ancestral property, all the FIR named accused persons variously armed with *lathy* and *danda* entered into the house of the informant and started abusing and assaulting. It is specifically alleged that in the meantime, wife of the petitioner handover *Mussal* to the petitioner and thereupon he assaulted the husband of the informant over his head due to which he sustained serious injury.

4. Learned counsel appearing on behalf of the



petitioner submits that from the FIR, it would be evident that the alleged occurrence took place in the evening of 28.01.2022, but surprisingly, the informant's husband was admitted in the hospital on 27.01.2022 itself, which clearly falsifies the entire prosecution case. That apart, the fardbeyan of the informant was recorded on 30.01.2022 and FIR has been instituted on 02.02.2022. He next submits that even as per the injury report, it only suggests that there was pain, tenderness and swelling over his head and thus the injury also appears to be simple in nature. He lastly submits that the petitioner bears fair antecedent.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the alleged occurrence took place on 28.01.2022, but the medical report suggests that the husband of the informant was already admitted on 27.01.2022, coupled with the nature of injury, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Danapur, Patna in connection with Bikram P.S. Case No.40 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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