

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46017 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- ALAMGANJ District- Patna

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BRAHAMDEO SHARMA S/O LATE MOTI SHARMA Resident of
Mohalla- Gur ki Mandi Arfabad, Rajput Tola, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudra Deo,Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Alamganj P.S. Case No. 12 of 2022 for the offence
registered under Sections 341, 323, 325, 379, 337, 338, 504,
506, 354 and 34 of the Indian Penal Code.

As per the prosecution story, the contaminated water
was flowing on the door of the informant and upon his protest,
the petitioner and his family members assaulted them and in the
process, his son received injuries on his hand causing fracture.
The further allegation is of outraging the modesty of the lady of
the house.

Learned counsel for the petitioner submits that there is
a case and counter case in the matter and the young boys used to



abuse the petitioner's daughter which was regularly protested and getting an opportunity, this FIR has been lodged. He however, submits that in view of the fact that during the alleged fight between the parties, the informant's son fell down and got his hand fractured, on humanitarian ground, he is ready to pay Rs. 25,000/- as the cost of the treatment irrespective of the result of this case.

Learned APP for the State opposes the prayer stating that there has been a fracture due to the alleged assault by the petitioner.

Taking into account the fact that there is case and counter case in the matter, the petitioner has clean antecedent, this Court is inclined to extend the benefit of anticipatory bail to him subject to payment of Rs. 25,000/- through demand draft issued by the local branch of State Bank of India as has been undertaken by the learned counsel for the petitioner.

In the aforesaid circumstances, the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM Patna City in connection with Alamganj P.S.



Case No. 12 of 2022 subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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