

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48186 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- HILSA District- Nalanda

Shailesh Prasad Son of Rambali Prasad Resident of Village-Hari Bigha, P.S.-
Hilsa, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Bhola Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Hilsa P.S. Case No.190 of 2023, registered for the offences punishable under Sections 341, 323, 307, 324, 337/34 of the Indian Penal Code.

3. Allegedly, while the petitioner was constructing a pillar in his land in front of the gate of the informant, the same was objected by the son of the informant, namely, Mukesh Kumar and Dhananjay Kumar, whereupon the petitioner and co-accused Dinesh Prasad stated abusing and assaulted them by means of *Gadasa*. It is also alleged that other co-accused persons also assaulted the other family members of the informant.

4. Learned counsel appearing on behalf of the



petitioner submits that the persons of both the sides are neighbour and in fact with regard to a trifling land dispute, the persons of both the sides have entered in a free fight which resulted into injuries to the persons of both sides. He further submits that there is counter version of the present case being Hilsa P.S. Case No. 191 of 2023 registered by the mother of the petitioner. He further drew the attention of this court to Annexure-2 series to the application and with reference thereto he submits that the injury sustained to both the injured Mukesh Kumar and Dhananjay Kumar are found to be simple in nature caused by hard and blunt substance and as such the allegation of assault by means of *Gadasa* also falsified. He lastly submits that the petitioner is the man of fair antecedent and he undertakes that he will fully cooperate in the investigation/trial.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the counter version of the present case, 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, Hilsa, Nalanda in connection with Hilsa P.S. Case No.190 of 2023, 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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