

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48191 of 2023

Arising Out of PS. Case No.-334 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Rakesh Sinha @ Rakesh Kumar @ Rakesh Kumar Sinha Son Of Late
Virendra Kumar Sinha Resident Of Village- Lohiyanagar Ward No 28 Suhird
Nagar, Ps- Town, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Randhir Kumar No.1, learned counsel for
the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Begusarai Nagar (Lohiyanagar) P.S. Case No.334 of 2023, registered for the offences punishable under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

3. Allegedly, while the petitioner, who happens to be salesman of Shiv Joyti Trading, Begusarai, went to shop of the informant to collect some dues amount but he refused to pay the same due to which some hot verbal exchange has taken place, However, in the aforesaid premises the FIR has been instituted with an allegation that the petitioner along with others armed with iron rod came to the shop of the informant and this



petitioner assaulted him over his head by means of iron rod due to which he sustained serious injuries. It is also alleged that the petitioner and other looted Rs.6,000/- from his shop.

4. Learned counsel appearing on behalf of the petitioner submits that the present FIR is nothing but the counter blast of Town P.S. Case No.333 of 2023 instituted by the petitioner against the informant. He next submits that from the narration of the FIR and the materials available on the record, it is evident that the petitioner went to the shop of the informant to collect the dues amount but he refused to do so and thereafter a quarrel took place, which resulted into lodging of the FIR from both the sides. He further drew the attention of this Court to the impugned order rejecting the prayer for bail of the petitioner and submits that informant himself refused to show the X-ray or CT scan reports, which makes the case doubtful as to whether the petitioner has received any serious injury or not. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and will not indulge in such type of criminal act in future.

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



petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case, coupled with the genesis of occurrence and the fair antecedent of the petitioner, 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Nagar (Lohiyanagar) P.S. Case No.334 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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