

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49139 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

Suresh Pathak S/O Late Hari Narayan Pathak Resident Of Village- Patkhaulia
(Patkhauliya), P.S- Kudra, District- Kaimur At Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kudra P.S. Case No. 12 of 2022, registered on 16.01.2022 for the offences under Sections 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner and 10 other co-accused persons assaulted the informant causing injury to him and the informant received injuries on his head. The brother and son of the informant were also assaulted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. The allegations are general and omnibus and it is not specific against any person. From the FIR it appears that 11 persons assaulted the informant, his brother and his son but the injury was found to be simple on informant except fracture on the hand, which is not a vital part and the allegation of assault is not specific against any of the accused persons. Moreover, after completion of investigation, the police found the case untrue against the petitioner under Section 307 IPC but learned Magistrate took cognizance against the petitioner even under Section 307 IPC. Learned counsel further submits that due to long standing enmity in connection with land dispute, the informant has falsely implicated the petitioner and his all family members. Petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation coupled with absence of corresponding injury and also considering the fact that police did not find the allegation under Section 307 IPC true, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua/concerned court in connection with Kudra P.S. Case No. 12 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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