

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50262 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- ARA NAGAR District- Bhojpur

JAYA KUMAR S/O JAMBU PRASAD Resident of Mohalla- Sheetal Tola,
P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with Ara Nagar P.S. Case No. 329 of 2021 instituted under sections 323, 504, 506, 307, 379 and 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that after attending the marriage ceremony, as he came near his home, found accused Rahul Kumar with other accused persons drinking on a cart. Upon objection by the informant, they assaulted him.

The allegation against this petitioner is of hitting on the head of the informant by the butt of a country made pistol.

Learned counsel for the petitioner submits that under well thought plan, the accused persons have been implicated



inasmuch as the occurrence is of 2.5.2021 whereas the FIR was lodged on 4.5.2021. Further a perusal of learned Sessions Judge's order would show that although the allegation of assault on the head is there, while discussing the injury part, the learned Court has not mentioned about any head injury.

Further submission is that without accepting the allegation, the petitioner on its own would like to give medical assistance of Rs. 10,000/- to the informant irrespective of the outcome of the present petition through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant and his wife after checking the credentials.

The learned APP opposes the prayer stating that there is allegation of assault.

Taking into account the aforesaid fact the petitioner is a young boy, he do not have any criminal antecedent and the injury has not been mentioned in the order of learned Sessions Judge, this Court is inclined to grant him the relief subject to the payment of Rs. 10,000/- as stated above.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, in connection with Ara Nagar P.S. Case No. 329 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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