

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53082 of 2023

Arising Out of PS. Case No.-379 Year-2017 Thana- BARHARA District- Bhojpur

Nakul Kumar Singh Son Of Chandrama Singh Village Furkan, Ps- Barahara,
Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP
For the Informant	:	Mr. Shiv Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In this case, the petitioner is apprehending his arrest in connection with Barahara P.S. Case No. 379 of 2017, registered on 24.12.2017 for the offences under Sections 341, 323, 308, 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons hurling abuses assaulted the informant and his son with *lathi*, *danda*, *rami* and rod. Further allegation against the petitioner is that he gave a *rami* blow to one Rana Singh causing fracture of his nose and head. The occurrence took place in the background of some land dispute.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The petitioner is having no criminal antecedent. The present case is counterblast of case lodged by brother of the petitioner against the informant and others vide Barahara PS Case No. 380/2017 for the offence u/s 341, 323, 308, 337, 379, 504, 506/34 of I.P.C. It is also apparent from the FIR that no offence under Section 308 IPC is made out from the facts and circumstances and allegation of offence under Section 379 is ornamental. The co-accused persons, namely, Raju Kumar Singh and Raja Kumar Singh have been granted anticipatory bail by the learned Sessions Judge. Learned counsel further submits that injury report shows only a cut over nose of victim Rana Singh measuring approx 1" x 1/10" x 1/10" apart from bleeding from mouth there is no injury on the head as alleged.

5. Learned APP as well as learned counsel for the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the injury is stated to be grievous as a fracture of Nasal bone was found.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter-case between the parties and further



considering the dimensions of the injuries with the absence of repetition, 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 Additional Chief Judicial Magistrate-XI, Bhojpur at Ara/ court concerned in connection with Barahara P.S. Case No. 379 of 2017, subject to the conditions 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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