

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58578 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- DAUDPUR District- Saran

1. Nitesh Kumar @ Nitish Kumar S/O- Late Munni Lal Prasad R/O- Baniyapur, P.S.- Daudpur, Dist- Saran.
2. Niraj Singh Rawat S/O- Jaiprakash Prasad R/O- Baniyapur, P.S.- Daudpur, Dist- Saran.
3. Nand Kumar Prasad S/O- Late Ram Bilash Prasad R/O- Baniyapur, P.S.- Daudpur, Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Raju Giri, learned counsel appearing on behalf of the petitioners and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Daudpur P.S. Case No. 112 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 379/34 of the Indian Penal Code.

3. Allegedly while informant along with his son was coming to Chapra by his Motorcycle, in the meantime, the petitioners and two other unknown persons intercepted them and petitioner no. 2 assaulted the son of the informant Rohit Kumar,



over his head by means of sword and further petitioner no. 1 also assaulted the informant, due to which they sustain serious injuries. It is further alleged that unknown persons also snatched a sum of Rs. 50,000/- and fled away. So far the allegation against the petitioner no. 3 is concerned, that is of threatening.

4. Learned counsel appearing on behalf of the petitioners submits that the present case is nothing but a counter-blast to an earlier case instituted by the father of the petitioner no. 1, against the informant and his son, the copy of which has been brought on record by way of Annexure-P/2. He further drew the attention of this Court to the injury report and with reference thereto he submits that all the injury sustained over the body of the informant and his son are simple in nature.

5. He next submitted that the falsity of the case is also evident from the fact that though it is alleged that the petitioner No. 2 assaulted the informant by means of sword over his head but surprisingly he has not sustained any incise injury rather it appears to be caused by hard and blunt substance and as such the entire prosecution appears to be false. He lastly submits that the petitioners are men of fair antecedents and they undertake that they will fully cooperate in the investigation or in the proceeding of the Court.



6. On the other hand, learned counsel for the State opposed the bail application and vehemently submitted that one of the injury sustained over the head of Rohit Kumar is found to be incised and as such the prosecution case cannot be doubted.

7. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injuries and the fair antecedents of the petitioners apart from the case instituted by the father of the petitioner in earlier point of time, let the petitioners abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chpara in connection with Daudpur P.S. Case No. 112 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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