

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54321 of 2022

Arising Out of PS. Case No.-07 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Sonu Kumar @ Sonu Kumar Poddar @ Sonu Kumar Suman Son of Nand Kumar Poddar Resident of Village- Patailiaya, Ward No-02, Police Station- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The petitioner is apprehending arrest in connection with Bibhutipur P.S. Case No. 07 of 2022 under sections 341, 323, 504, 506, 354/34 of the Indian Penal Code.

As per the FIR, the informant alleged that the accused persons were constructing house which belonged to her father and upon objection, they assaulted her as also her mother and in the process, the allegation against this petitioner is of assaulting on the head of the informant.

Learned counsel for the petitioner submits that



there was scuffle between the parties which led to case and counter case and the informant side lodged Bibhutipur P.S. Case No. 8 of 2022.

Further submission is that the injury has not been found to be grievous as would reflect from the order of learned Sessions Judge.

Further, the petitioner do not have criminal antecedent and in view of the fact that the lady has alleged injury, the petitioner would like to extend medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

The learned APP on the other hand opposes the prayer stating that the two women have been assaulted and thus he does not deserve bail.

Considering the fact that the petitioner do not have any criminal antecedent, as per statement put forward by the counsel for the petitioner, that he is pursuing studies, from the order of learned Sessions Judge it does not reflect that the injury is grievous, this Court would like to extend him the privilege of bail subject to payment of Rs. 15,000/- with conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall be visiting the concerned police station for next six months every fortnight;

(iii) the petitioner shall leave district for three months and upon return shall the concerned police station for next six months every fortnight;

(iv) the petitioner shall co-operate in the investigation and made himself available to the police as and when required;

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 S.D.J.M., Rosera at Samastipur, in connection with Bibhutipur P.S. Case No. 07 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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