

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55220 of 2023**

Arising Out of PS. Case No.-339 Year-2018 Thana- KAMTAUL District- Darbhanga

Manish Kumar, Son of Ram Babu Yadav @ Ram Babu Rai, R/O Village-  
Milki, P.S.- Kamtaul, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      13-09-2023                      Heard Mr. Girish Chandra Jha, learned counsel  
appearing on behalf of the petitioner and the learned APP for the  
State.

2. The petitioner is apprehending his arrest in connection with Kamtaul P.S. Case No. 339 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354, 354(B), 448, 380, 504 and 506 of the Indian Penal Code.

3. Allegedly while the informant was sitting at his door, in the meantime, all the F.I.R. named accused persons variously armed came there and threatened him to compromise the earlier case. On protest being made, the petitioner assaulted the wife of the informant by means of Iron rod over her waist and also torn her blouse. Further allegation has been levelled



against the other accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the informant and the father of the petitioner are full brother and only on account of long standing dispute, a free fight took place resulting into injury to the persons of both sides. He next submits that the police after investigation submitted charge-sheet only for the offences under Sections 147, 148, 149, 341, 323, 324, 354, 504 and 506 of the Indian Penal Code and accordingly the cognizance has been taken, but it is manifest that cognizance has not been taken under Sections 307 and 354(B) of the Indian Penal Code. He further submits that the impugned order does not suggest that the injury sustained to the wife of the informant is grievous in nature. He lastly submits that the petitioner bears fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that specific allegation of assault has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the parties are agnates and the learned court has not taken cognizance of



offence under Sections 307 and 354(B) of the Indian Penal Code, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Darbhanga in connection with Kamtaul P.S. Case No. 339 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

**(Harish Kumar, J)**

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