

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55941 of 2023

Arising Out of PS. Case No.-500 Year-2023 Thana- SITAMARHI District- Sitamarhi

Gopal Kumar S/O Sanjeet Kumar R/O Village- Koat Bazar , Ps. Sitamarhi,
Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in connection with Sitamarhi P.S. Case No. 500/ 2023 registered for the offence punishable under Sections 341, 323, 448, 504, 506, 324, 307, 34 of the Indian Penal Code (for brevity 'IPC').

3. Prosecution party and the accused person were attending a feast, where altercation took place between both the parties. Against the petitioner, there is allegation of assault by 'knife', upon the chest of the informant.

4. Learned counsel for the petitioner submits that altercation led to lodging of the cases by both sides. The Fardbeyan of the Sitamarhi P.S. Case No. 501/2023 lodged by the accused side was recorded at the Sadar hospital, on the date



of occurrence itself, where the informant was being treated. Petitioner has no criminal antecedents. Alleged assault by knife is not corroborated by the injury report, which opined the injury to be caused by hard and blunt substance. All the other co-accused have been allowed anticipatory bail by the learned Sessions Judge, Sitamarhi by the same impugned order dated 17-07-2023, rejecting the petitioner's prayer for anticipatory bail.

5. Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that petitioner is named accused, and there is allegation of assault by knife.

6. Having regard to the submissions advanced by the petitioner's counsel, nature of injury as per the injury report, alleged manner of occurrence and clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with



Sitamarhi P.S. Case No. 500/2023, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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