

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58384 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- NALANDA District- Nalanda

Amit Kumar Son Of Abhay Kumar Village- Sakraudha, Ps- Nalanda, Dist- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Nalanda P.S. Case No. 158 of 2023 registered on 21.06.2023, for the alleged offences under Sections 341, 323, 307, 326, 379, 504, 506, 354, 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner along with other co-accused persons armed with sword, *lathi* and *danda* came to the house of the informant and they assaulted the informant, his brother and his mother, causing injuries to them. They also snatched a gold chain of the informant's mother.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has become a victim of false implication in



the dispute between real brothers arising out of partition as they all reside in one house, which is partitioned amongst them. In fact, the petitioner was brutally assaulted by the informant and his family, father, mother and sister, for which, the petitioner's uncle Ajay Kumar has lodged Nalanda P.S. Case No. 159 of 2023. Learned counsel further submits that Ashok Singh, father of the informant, is own brother of co-accused Anuj, Abhay and Ajay and the informant is son of Ashok Singh as such both the parties are four brothers and their family members. Learned counsel further submits that the allegation against the petitioner is that he gave *farsa* blow to the brother of the informant, but the injury report of the informant's brother shows: (i) Avulsed IRT 42 tooth with generalized mobile in lower front tooth region and (ii) Laceration 1 inch with 1/3 inch depth over forehead and the injury is stated to be grievous caused by hard and blunt substance. Learned counsel further submits that from the injury report, it is not clear that which injury has been found to be grievous and in any case the allegation against the petitioner is that of giving *farsa* blow, but the injury of the informant's brother was found to be caused by hard and blunt substance, which falsifies the allegation against the petitioner. Learned counsel further submits that three cases are pending against the



petitioner and all the three case have been lodged by the same informant with similar allegation. The petitioner is in custody since 22.06.2023 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail submitting that the petitioner and other co-accused persons brutally assaulted the petitioner and his family members, causing a number of injuries to them.

06. Perused the record.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury alleged against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/concerned court, Biharsharif, Nalanda in connection with Nalanda P.S. Case No. 158 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the 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.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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