

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70011 of 2023**

Arising Out of PS. Case No.-421 Year-2023 Thana- RUPASPUR District- Patna

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RAHUL RANJAN @ RAHUL KUMAR SON OF SHAMBHU PRASAD  
RESIDENT OF RUPASPUR JALALPUR, KELA BAGAN, DHANAUT, P.S.  
- RUPASPUR, DISTRICT - PATNA, PIN-801506

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anshuman

For the Opposite Party/s : Mr.Arun Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      01-11-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rupaspur P.S. (Patna) Case No. 421/23 registered for the offences punishable under Sections 341, 323, 354 (B), 307, 379/34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have assaulted the informant by means of iron rod upon his head as a result of which he sustained injury on the head.

4. Learned counsel for the petitioner submits that mother of informant and father of petitioner are related as sister and brother. He further submits that from perusal of impugned order, it appears that informant sustained stitched wound over



his head which is simple in nature and stitched wound indicates that the wound is existing prior to present occurrence. He further submits that aforesaid injury is nothing but only fabrication as the allegation of causing injury is not supported by injury report. In the light of given facts and circumstances of the case, no offence is made out under sections 341, 323, 354(b), 307 and 379/34 of the IPC. He further submits that there is delay of two days in lodging the FIR without any plausible explanation. He further submits that the dispute arose on account of parking of scooty which is clearly manifested from the perusal of FIR itself. Pragmatically and prudently, it can not be denied that in trifle matter, though some occurrences have been occurred on alleged date but petitioner is not in any way associated with the said occurrence as alleged in the FIR. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer of anticipatory bail of the petitioner by submitting that there is direct allegation of assault upon the informant's head against the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and material available on



record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M 1<sup>st</sup> Danapur Patna, in connection with Rupaspur P.S. Case No. 421/23, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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