

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70301 of 2023**

Arising Out of PS. Case No.-294 Year-2023 Thana- GRIYAK District- Nalanda

Prabhakar Kumar S/O- Ranjeet Singh R/O- Village- Barandi P.S.- Katrisari,  
Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

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

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

2      07-11-2023                      Heard Mr. Sanjeev Kumar, learned counsel for the  
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Giriyak (Katrisarai) P.S. Case No. 294 of 2023 registered for the offences punishable under Sections 341, 323, 338, 307, 379 and 504 of the Indian Penal Code.

3. The prosecution case is based on the written report of the informant alleging therein that initially while the son of the informant and the petitioner had good terms, this petitioner had taken a loan of Rs. 1 lac for construction of his house. However, despite repeated reminders, he did not return the money. On 09.06.2023, when the son of the informant went to the house of the petitioner for demanding his money, he was abused and assaulted. It is specifically alleged that on



09.06.2023 itself, the petitioner came with pistol in his one hand and brick in his another hand and started assaulting the son of the informant due to which he sustained serious injuries. The petitioner also allegedly snatched the mobile from his injured son.

4. Learned counsel for the petitioner submits that from the FIR, it is apparent that the occurrence took place on 09.06.2023 at about 08:30 AM. However, the present FIR has been instituted on 11.06.2023 but no plausible explanation has been given for the delay. He further drew the attention of this Court to the injury report dated 21.07.2023 issued by the BMIMS Pawapuri, Nalanda, which suggests that the nature of injury as grievous but, surprisingly, mode of injury is said to be a case of Road Traffic Accident. Thus, the entire prosecution case appears to be doubtful. The delay in lodging of the FIR and the injury report clearly depict a case of deliberation and false implication of the petitioner on account of some money transactions between the parties. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State



opposes the bail application and submits that specific allegation has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the injury report, suggestive of the fact that it is a case of Road Traffic Accident, coupled with the delay in lodging of the FIR and the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Giriyak (Katrisarai) P.S. Case No. 294 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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