

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.129 of 2023

Arising Out of PS. Case No.-151 Year-2022 Thana- UJIYARPUR District- Samastipur

Naveen Kumar Singh @ Naveen Kumar @ Navin Kumar, S/o Sita Ram
Singh @ Sitaram Singh R/v- Mahisari, P.S.- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 13-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Ujiyarpur P.S. Case No.151 of 2022 registered for the offences punishable under Sections 341, 323, 324, 308, 354(B), 504 and 379/34 of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he had assaulted the informant with iron rod on his head due to which blood started oozing out.

4. Learned counsel for the petitioner submits that from the FIR itself it will appear that the allegation of causing assault has been firstly made against the co-accused Ram Kumar Singh with *Pagharia* on the head of the informant,

therefore, the only injury found on the head of the informant has been attributed to the co-accused.

5. It is submitted that the further allegation that, thereafter the petitioner also assaulted with iron rod on his head is not getting substantiated from the injury report which is showing only one lacerated wound over the left side of scalp region of the head. So far as the other two injuries are concerned, those are abrasion over left side of Axilla and bruise on left side back and all the injuries have been found to be simple in nature.

6. Learned A.P.P. for the State has, after going through the case diary and the injury report, informed this Court that as per the injury report all the injuries have been found to be simple in nature.

7. Having regard to the facts and circumstances of the case, there being submission that the parties have a land dispute and it is a case of false implication as also that the manner of occurrence is not supported by the injury report, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the

satisfaction of learned Sub-Divisional Judicial Magistrate, Dalsinghsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 151 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--