

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68440 of 2023**

Arising Out of PS. Case No.-198 Year-2023 Thana- MOKAMAH District- Patna

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PRAKASH KUMAR S/O LATE SITARAM PRASAD SINGH R/O  
VILLAGE- SAKARWAR TOLA, WARD NO. 16, P.S- MOKAMA, DISTT.-  
PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      07-11-2023      1.              Heard learned Counsel for the petitioner and  
learned APP for the State.
2.              This application, for grant of anticipatory bail,  
arises out of Mokama PS case no. 198 of 2023, disclosing  
offences punishable under Section 323 and other allied sections  
of the Indian Penal Code and Section 27 of Arms Act.
3.              The prosecution story, in brief, is that informant  
was allegedly abducted by the petitioner, he was taken to the  
bank of river Ganga and was assaulted by butt of pistol and also  
resorted to firing.
4.              Learned Counsel for the petitioner submits that the  
petitioner has falsely been implicated in this case due to some  
dispute. It is further submitted that the cousin brother of the



petitioner is neighbour of the informant and due to some dispute between the cousin brother of the petitioner and the informant, petitioner has been made accused in the present case along with his cousin brother, who is co-accused Rohit Kumar. He further submits that no empty cartridges have been recovered from the place of occurrence and no injury report of the informant has been brought on record by the prosecution. He also submits that it has wrongly been recorded in the impugned order that the petitioner is having two criminal antecedents, whereas the petitioner is having only one criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the injury report has not been brought on record by the prosecution, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Barh in connection with Mokama PS case no. 198 of 2023, subject to the condition



laid down under Section 438 (2) of the Code of Criminal  
Procedure.

**(Anil Kumar Sinha, J)**

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