

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70292 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- RAGHOPUR District- Vaishali

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PAPPU KUMAR @ PAPPU RAY S/O HARI RAY R/O VILLAGE-
CHANDPURA, P.S- RAGHOPUR, DISTT.- VAISHALI AT HAJIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Om Prakash Om

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Raghopur P.S. Case No. 118 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506 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. It is further alleged that the informant is getting treated at Primary Health Centre, Raghopur.

4. Learned counsel for the petitioner submits that the informant and the petitioner are full brother. He further submits that from a perusal of F.I.R., it appears that the date of



occurrence is 20.05.2023 and F.I.R. has been lodged on 27.05.2023 which indicates that there is inordinate delay in lodging the F.I.R. without any plausible explanation. Moreover, there was a family feud taken place in provocation and there was no intention or motive to commit such occurrence. He further submits that petitioner is the owner of the alleged truck in question which the petitioner purchased himself and used to drive. He further submits that there is no repetition of blow against the petitioner upon the head of informant and the injury suffered by the informant is simple in nature, caused by hard and blunt substance. In the light of the aforesaid fact and circumstances of the case, no offence is made out against the petitioner under Section 307 of the I.P.C.. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of 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 also taking into consideration the 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 J.M. Ist Class, Vaishali at Hajipur in connection with Raghapur P.S. Case No.118 of 2023, 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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