

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71190 of 2023

Arising Out of PS. Case No.-172 Year-2021 Thana- JALALPUR District- Saran

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SRIBHAGWAN PRASAD @ BHAGWAN PRASAD @ SRIRAM PRASAD
SON OF KEDAR PRASAD KUSHWAHA RESIDENT OF VILLAGE-
VISHANPURA, PS- JALALPUR, DIST- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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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 Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Jalalpur Police Station Case No. 172 of 2021, disclosing offences punishable under Sections 341/323/324/307/379/504/ 34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that while the informant was trying to park his truck on the main road, the petitioner objected the same and when the informant told him that the truck would be parked on the road, the petitioner called other co-accused persons, who came with iron-rod, farsha, lathi and danda and upon the orders being given by co-accused Rameshwar Sah,



other cop-accused persons assaulted the informant and his family members. It has further been alleged that the petitioner, along with co-accused Rameshwar Sah, looted Rs. 57,500/-, which was kept inside the truck.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to dispute regarding parking of the truck. He further submits that there is no allegation of assault against the petitioner and the allegation of looting Rs. 57,500/- is super-imposition. He next submits that the informant and others have sustained simple injury, as would be evident from the injury reports, annexed at Annexures 3 to 8 of this application. He next submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner has not assaulted the informant and others, he is having no criminal antecedent and the occurrence has taken place on a trivial issue of parking of truck, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Additional Chief Judicial Magistrate-XIII, Saran, at Chapra, in connection with Jalalpur Police Station Case No. 172 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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