

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76172 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- MAHKAR District- Gaya

Vivek Kumar Son Of Satish Prasad Nirala @ Satish Prasad Village-
Balabigha, P.S.- Mahkar, District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Vinod Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Mahkar P.S. Case No. 98 of 2022, registered for the
offences punishable under Sections 341, 323, 325, 308, 448,
379, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, the petitioner assaulted the informant by
means of *banga* fixed in bamboo, due to which the informant
sustained fracture injury in his right hand. It is also alleged that
the petitioner snatched Rs. 10,000/- and abused and assaulted
others.

4. Learned counsel appearing on behalf of the
petitioner submits that from the FIR, it is evident that the



alleged occurrence took place on 08.09.2022, but surprisingly the present FIR has been instituted after a delay of 22 days i.e. on 30.09.2022, moreover, there is a *bona fide* dispute between the parties and, as such, the false implication of the petitioner cannot be ruled out. He next submits that the impugned order also suggest that the informant has not sustained any grievous injury as the same has not been discussed. He next submits that earlier also the petitioner has made accused in two other cases at the behest of the informant and his family members. He lastly submits that the petitioner undertakes that he will not indulge in such type of activities in future and will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest 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 delay in lodging of the FIR and the fact that the impugned order does not discuss the nature of injury, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned I/C Chief Judicial Magistrate, 1st Gaya in connection with Mahkar P.S. Case No. 98 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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