

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75679 of 2023

Arising Out of PS. Case No.-244 Year-2022 Thana- FATUA District- Patna

Niraj Kumar @ Neeraj Kumar S/O Munarik Singh @ Mundrika Prasad
Village- Jafrabad, PS. Fatuha, Dist. Patna. (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Fatuha P.S Case No. 244 of 2022 dated 29.03.2022 registered for the offence punishable u/ss 147, 149, 341, 323, 305, 307, 354, 379, 504 and 506 of the Indian Penal Code.

4. As per the prosecution case, the accused persons along with the petitioner holding weapons came at



the house of the informant and started abusing. On being objected, the petitioner having gun started assailing him with its butt with intention to kill him which hit the informant on his left hand and shoulder due to which his left hand and shoulder were broken. When the informant's wife came to rescue then the co-accused Munarik Singh caught her hair and pushed her on the ground by pulling saree and disrobed her. The co-accused Chandan Singh, assaulted Seema Devi with lathi on her right hand and also snatched her *Mangalsutra* and the co-accused Rajesh Singh with wrong intention tore the saree and blouse of Seema Devi. While going away Munarik Singh threatened the informant that if he files any case then he will be killed and the petitioner fled away by firing indiscriminately.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that date of occurrence was on 13.03.2022 and the informant gave the *fardbeyan* before Fatuha Police Station, Patna on 29.03.2022 i.e. after a delay of 17 days without any plausible explanation. Learned counsel has further submitted that the injury is simple in



nature and no injury is inflicted on any vital part of the body. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna City, Patna in connection with Fatuha P.S Case No. 244 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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