

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.905 of 2023

Arising Out of PS. Case No.-438 Year-2021 Thana- ATRI District- Gaya

Nitish Kumar Son Of Uday Kumar @ Uday Singh Resident Of Village -
Bhatu Bigha, Police Station - Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 147, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code.

Petitioner along with other accused persons are said to have assaulted the informant by means of Garasa and rod on his head. When the wife of the informant came in rescue then other accused persons also assaulted her as a result of which both of them received injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to land dispute. He submits that there is case and counter case between the parties and both sides have sustained grievous injury. He submits that occurrence took place on



24.10.2021 but the FIR has been lodged on 14.12.2021 after delay of 48 days without explaining any reasonable cause of delay. He submits that the similarly situated co-accused has already been granted bail by this Court vide order dated 23.03.2023 passed in Cr. Misc. No. 452 of 2023. He further submits that petitioner has criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that both sides have sustained grievous injury, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Atri P.S. Case No. 438 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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