

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5986 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- MAHARAJGANJ District- Siwan

Amlesh Prasad @ Amlesh Srivastava @ Amlesh Prasad Sinha @ Punpun
Srivastava, male, aged about 63 years, Son of Late Satyanarayan Prasad R/o
vill - Paterhi, P.S. - Maharajganj, distt. - Siwan (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Shrivastava, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Maharajganj P.S. Case No. 263 of 2023 instituted for the offence
under Sections 147, 341, 323, 324, 307, 504, 506, 120B of the
Indian Penal Code.

3. As per the prosecution case, the petitioner along
with other co-accused persons armed with deadly weapons
reached at the house of the informant, thereafter, seven accused
persons started assaulting the grandson of informant with knife
and sword, as a result of which his back bone broke and blood
started oozing from him stomach. When Sanshi Soni and Mantu
Soni came to rescue then the co-accused Pankaj Patel hit him on



head with a sword with intention to kill thereafter, the co-accused Tinku Ram and the petitioner assaulted Mantu Soni and Shashi Soni by means of sword with intention to kill them.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.09.2023. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is further submitted that the allegation against the petitioner is of assault to Mantu Soni and Shashi Kumar, who have been examined by the doctor and the injury report is found to be simple in nature. There is no specific allegation against the petitioner rather the specific allegation is against other co-accused persons who assaulted with knife and sword on the back of deceased.

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

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and nature of injury being simple in nature, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maharajganj P.S. Case No. 263 of 2023.

(Rudra Prakash Mishra, J)

Nilmani/-

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