

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9186 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- BANIAPUR District- Saran

Rahul Dubey, S/o Vijay Dubey, R/o Village-Usti, P.S-Banyapur, Distt.- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Baniyapur P.S. Case No.211 of 2023 registered under Sections 341, 323, 307, 506 and 504 read with 34 of the Indian Penal Code.

3. Allegation against the petitioner is to assault the informant by using hockey sticks, causing head and bodily injuries, having intention to cause death, where occurrence is alleged to be arises out of local dispute and differences.

4. It is submitted by learned counsel that allegation regarding assault is not specific against this petitioner, where upon medical examination, the injury as alleged to cause by the petitioner to informant found single and simple in nature, which is not sufficient to suggest *prima facie* that petitioner was under



intention to cause death, which is prime consideration to attract the case under Section 307 of the Indian Penal Code. It is further submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid facts and circumstances, as injury alleged to be caused by petitioner is single and simple, coupled with the fact that petitioner is a man of clean antecedent, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra in connection with Baniyapur P.S. Case No.211 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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