

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6392 of 2024

Arising Out of PS. Case No.-380 Year-2023 Thana- SIWAN CITY District- Siwan

Kanhaiya Kumar @ Kanhaiya Sah S/o Jai Iswar Sah R/o Vill - Agu Chapra,
P.S. - Siwan Town in the district of Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner is apprehending arrest in connection with Siwan Town P.S. Case No. 380 of 2023, registered on 12.07.2023 for the offences under Sections 341, 323, 325 and 307/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the informant with iron rod and lathi making him unconscious when the informant started making video of a cart on which the petitioner was carrying illicit liquor.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in



this case. From bare perusal of the FIR, it is apparent that occurrence took place on 14.06.2023, but the present FIR has been lodged on 12.07.2023. It is further submitted that both the parties are co-villagers and next door neighbours and are of same age group. From perusal of the injury report, it appears that the victim has received lacerated wound of size 1/2" X 1/8" deep to the scalp. There could be no application of Section 307 IPC in this case as there was no intention to cause death. Now the matter has been compromised between the parties and a compromise petition has been filed by the parties before the Court of learned ACJM, Siwan. The petitioner is also involved in two other cases.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering non-serious nature of injury and possibility of false accusation, let the petitioner above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Siwan/concerned court in connection with Siwan Town P.S. Case No. 380 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

U		T	
---	--	---	--

