

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11270 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- PATAHI District- East Champaran

Ujjawal Kumar Son of Rambhu Sah @ Rambhu Prasad Gupta R/o Village-
Bokane Kala, P.S.- Patahi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Patahi P.S. Case No. 198 of 2023 dated 28.06.2023 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner is said to have assaulted the informant's father upon the head by means of *farsa*, due to which his father sustained injury. When informant came to rescue his father, then co-accused Rambhu Sah assaulted him with rod, due to which his shoulder got fractured.

4. Learned counsel for the petitioner submits that the impugned order clearly indicates that sufficient opportunity has been given to the prosecution's side to produce injury report

but no such injury report was produced and the authenticity of allegation made in the F.I.R. is fruitless, when injury report has not been brought. The petitioner bears no criminal antecedent.

5. Learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is specific allegation of assault against the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the materials available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Patahi P.S. Case No. 198 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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