

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13852 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Rahul Shahi @ Rahul Kumar Shahi @ Rahul Sahi S/O Prem Shankar Shahi
@ Bhutti Shahi R/O Village- Balthari, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kuchaikote P.S. Case No. 237 of 2023, registered on 21.05.2023 for the offences under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the informant with spear, butt of the country made pistol, lathi and dada. The occurrence took place in the background of land dispute.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner and informant are close agnates and



admittedly there is land dispute between the parties. The allegation against the petitioner is that he gave Farsa blow on the head of the informant but injury report of informant shows only a lacerated wound of 1 cm x $\frac{1}{2}$ cm x $\frac{1}{4}$ cm caused by hard and blunt substance which falsifies the allegation of Farsa blow. Moreover, the nature of injury is simple and its dimensions show it is superficial. The injury of other injured is only pain and scratches which apparently are quite simple and superficial. Learned counsel further submits that the petitioner has got fair and clean antecedent.

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 the simple and superficial nature of injury and absence of any attempt on life of any person, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Class, Gopalganj/concerned court in connection with



Kuchaikote P.S. Case No. 237 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)

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