

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20752 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- RAJNAGAR District- Madhubani

Mukesh Kumar Das @ Mukesh Das S/o Shivjee Das Resident of Village-
Sahora Ashthan @ Sohrathan, P.s. - Rajnagar, Distt. - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Rajnagar P.S. Case No. 299 of 2023, registered on 23.11.2023, for the alleged offence under Sections 143, 341, 323, 324, 308, 380, 448, 504, 506 of the Indian Penal Code.

03. As per prosecution case, in the background of earlier dispute, the petitioner and other co-accused persons came to the doors of the informant and started hurling abuses. When they were forbade by the informant, the petitioner gave a *farsa* blow on the informant and when her husband came to rescue, he was also assaulted, causing fracture of his head and injuries in the eye. The assailants also fractured the leg of son of the informant and took away gold *Mangal Sutra* and two *Jutiya*



(lockets), clothes, papers of land and Rs. 18,000/- in cash from the house of the informant. The daughter of the informant was also assaulted and became unconscious.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place and entire prosecution story is false and fabricated. For an occurrence of dated 18.11.2023, FIR has been lodged on 23.11.2023 and there is no explanation for delay of four days, which further creates doubt over the prosecution story and it appears to be planted one and concocted. Learned counsel further submits that if a person received injury and was treated at Primary Health Center, his *fardbeyan* has to be recorded in the concerned Primary Health Center, but the same has not been done in the present matter. Learned counsel further submits that the injury reports of the informant, her husband and her brother-in-law show superficial injuries, which are abrasion and tenderness wherein there is no injury corresponding to the allegation made against the petitioner and the injuries are simple in nature and caused by hard and blunt object. The petitioner is having criminal antecedent of one case of the year 2016, in which he is on bail and the said case was also filed by the husband of the informant.

05. Learned A.P.P. for the State opposes the prayer for



anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of any injury caused by sharp and heady cut weapon and further considering the simple and superficial nature of injuries and also considering the possibility of false implication, 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 bond 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-I, Madhubani/concerned court in connection with Rajnagar P.S. Case No. 299 of 2023, subject to the condition 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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