

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23651 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- MAIRWAN District- Siwan

Karan Singh, Son of Ashok Singh @ Ashok Kumar Ray, Resident of Village -
Badaka Manjha, P.S. - Mairwa, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Mairwa P.S. Case No.79 of 2023, registered for the offences under Sections 147, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, over minor altercation on parking of bicycle, the petitioner and his family members assaulted the informant and by the assault of the petitioner, the head of the informant was fractured. When the family members of the informant came for his rescue, they were also assaulted and money was snatched from them by the petitioner and other co-accused persons.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. There is case and counter case and Mairwa P.S. Case No. 80 of 2023 has been lodged against the informant's side by co-accused Ram Sajawal Rai. Both the parties are co-villagers and over some minor dispute, scuffle took place in which both sides received injuries. The learned counsel further submits that the allegation against the petitioner is that he assaulted the informant by means of iron rod and caused the injury on his head. However, only one lacerated wound upon 1½ " x 1/10" x 1/12" over left parietal region of scalp with contused margin has been found, but the said injury is stated to be simple in nature. The learned counsel further submits that there was no intention to kill the informant and hence, there would be no application of Section 307 IPC and Section 379 IPC in the FIR is super addition. The petitioner has got clean antecedent.

5. The learned A.P.P. for the State vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the single and simple nature of injury attributed to the petitioner, 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Siwan, in connection with Mairwa P.S. Case No. 79 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 below, if so required by the learned trial court.

However, if more than one injury is found on the person of the informant, then his bail bond will not be accepted by the learned trial court.

V.K.Pandey/-

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(Arun Kumar Jha, J)

