

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27338 of 2024**

Arising Out of PS. Case No.-321 Year-2023 Thana- RAHUI District- Nalanda

Ravi Kumar, Son of Late Hira Choudhary, Resident of Village- Alamganj,  
P.S.- Bihar Sarif Sadar, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. Ajoy Kumar Chakraborty, Advocate |
| For the State        | : | Mr. Uma Shankar Prasad Singh, APP    |
| For the Informant    | : | Mr. Amar Kumar Singh, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      30-08-2024                      Heard learned counsel for the petitioner and learned

A.P.P. for the State as well as learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Rahui P.S. Case No. 321 of 2023 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons assaulted the informant with butt of the pistol, *lathi, danda* and iron rod.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that there is land dispute between the parties and the petitioner is agnate of the brother-in-law of the informant. Though



allegation against the petitioner is that of hitting the informant with butt of pistol but no pistol has been recovered and no offence under Arms Act has been incorporated in the FIR. Learned counsel further submits that injury report shows trauma and soft tissue swelling of scalp and face apart from fracture involving floor of left orbit and bleeding laceration of 2" right side of forehead, 2" right eye and 7" left forehead. The said injuries are stated to be grievous. Learned counsel further submits that the fracture injury might be said to be grievous. The petitioner was not even present at the place of occurrence. Even from the allegation made against the petitioner, no offence under Section 307 of IPC is made out as intention to cause death could not be inferred. The matter has been compromised between the parties. The petitioner has got criminal antecedent of one case in which he is on bail.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner brutally assaulted the informant with butt of pistol and the dimensions of the injuries show the intensity of assault.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the improbability of accusation and also considering the background of land dispute coupled with possibility of false implication, let the petitioner named above, 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, Nalanda, Bihar Sarif/ court concerned in connection with Rahui P.S. Case No. 321 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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