

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29128 of 2024

Arising Out of PS. Case No.-662 Year-2023 Thana- Kharagpur District- Munger

Bali Kumar Bind @ Bali Kumar, Male, aged about 30 years, S/o Late Munilal Bind, R/o village- Mahkola, P.S. - Kharagpur, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Urmila Kumari, Advocate

Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

For the Informant : Mr. Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with Kharagpur PS Case No.662 of 2023 dated 18.11.2023, instituted under Sections 341, 323, 504, 506, 337, 338, 307, 379/34 of the Indian Penal Code.

3. The prosecution story, in brief, is that on the alleged date of occurrence the accused persons named in the FIR armed with axe, iron rod etc. came at the house of the informant and started abusing as well as assaulting his brother Shashi Kumar. Upon protest by his brother, they asked to kill him and started assaulting him with axe, katta, iron rod etc. When the informant



and his family members tried to rescue him, they were also assaulted. Accused Mithun Kumar is said to have assaulted on the informant's head with iron rod causing injury and he became unconscious and when he regained his consciousness, he found his father and uncle injured and they had received injury on the head. Cause of occurrence is said to be a dispute between the parties which was compromised later on. It is also alleged that during assault Saraswati Devi and Sunita Devi assaulted the informant and his mother by *lathi* and snatched a locket from his father.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is specific allegation against accused Mithun Kumar. There is nothing specific against the petitioner, rather, allegation against the petitioner is general and omnibus. There is case and counter case between the parties. Counter case has been lodged by Fulo Devi, wife of Nawal Kishore Bind vide Kharagpur PS Case No.679 of 2023 against the informant and his family members. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP as well as learned counsel for the informant has vehemently opposed the prayer for bail. It is



submitted that the informant’s side has sustained grievous injury caused by the accused persons.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- IV, Munger, in Kharagpur PS Case No.662 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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