

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33123 of 2024

Arising Out of PS. Case No.-150 Year-2023 Thana- MUFFASIL District- Aurangabad

Jitendra Singh Son of Late Nagina Singh Resident of Village- Ibanpur, P.S.-
Muffasil, Dist.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin. A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 150 of 2023 registered for the offences punishable under Sections 447, 341, 323, 427, 308, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have assaulted upon the head of informant by means of iron rod as result of which informant sustained head injury. It is alleged that petitioner alongwith co-accused Devrano Devi snatched gold chain (*1.5 bhar*) worth Rs. 50,000/- from the neck of the informant.

4. Learned counsel for the petitioner submits that there is case and counter case between both parties on the same



date of occurrence, in this context free fighting cannot be ignored. He further submits that parties are next door neighbor and the dispute has arisen on account of hot talk between both the parties for key of bicycle. Learned counsel has submitted at Para 10 of the bail petition that injury report of informant is simple in nature and the injury report of informant is also annexed at Annexure 2 of the bail petition. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that in the light of the given facts and circumstances of the case, no case is made out against the petitioner under Section 447, 341, 323, 427, 308, 379, 504, 506 and 34 of the I.P.C.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with ABP No. 225 of 2024 arising out of Muffasil P.S. Case No. 150 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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