

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35027 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- BALIYA District- Begusarai

Shubham Kumar Son of Suresh Sah Resident of Village -Dandari (Tetri), P.S.-
Dandari, District - Begusarai, Bihar Petitioner/s
Versus

1. The State of Bihar Patna
2. The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Ashok Kumar Jha learned advocate for the

petitioner and Mr. Satendra Narayan Singh learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Ballia P.S Case No. 49 of 2024 registered for the offence punishable u/s 341, 323, 504, 384, 379, 307, 354/34 of the Indian Penal Code.

3. Allegedly while the informant was in his shop in the meantime all the F.I.R named accused person including the petitioner entered into the shop and threatened to pay a ransom amount of Rs. 5,00,000/-. When protest was made co-accused Ayodhya Sah made exhortation whereupon the petitioner (Subham Kumar) took out his pistol from his waist and assaulted the informant by means of butt of the pistol. It is



further alleged that on *halla* being raised all the family members came to rescue of the informant who were also assaulted by the accused person. There is further allegation of snatching of valuables against all the accused persons.

4. Learned advocate for the petitioner contended that from the narration made in the F.I.R though the specific allegation levelled against the petitioner that he assaulted the informant by means of but of the pistol but surprisingly the impugned order does not discuss the injury report that any corroborating injury has been found. Moreover, from the allegation it is evident that there was no intention to kill the informant. It is further alleged that had the informant been received any serious injury he would have not gone to police station for giving a written report; this also fortifies that the informant has not sustained any injury. It is further contended that the F.I.R has been instituted in the premise of long standing enmity between the parties. In support of the contention the learned counsel for the petitioner draw the attention of this Court to Paragraph Nos. 11 and 12 and submitted that Title Suit No. 511 of 2012 and Title Suit No. 12 of 2022 are pending between the parties. There is a counter version of the present case bearing Ballia P.S. Case 50 of 2024 the copy which is



marked by Annexure P/3. The petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the petitioner has assaulted the informant.

6. Regards being had to the submission made on behalf of the parties and considering the factum of the case and counter case in the premise of long standing enmity as also the fact that there is no discussion of the nature of injury coupled with the fair antecedent, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI-cum-Special Judge, POCSO, Begusarai in connection with Ballia P.S Case No. 49 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/ close family members of the petitioner.

7. This application stands allowed.

(Harish Kumar, J)

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