

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36579 of 2024

Arising Out of PS. Case No.-563 Year-2023 Thana- KESARIA District- East Champaran

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Md Imran Son of Late Abdul Majid Resident of Village- Bairiya Jirat ,P.S-
Kesharia, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kesaria
P.S. case No. 563 of 2023 instituted for the offences under
Sections 147, 148, 149, 323, 324, 379, 504, 506, 307 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that when the
informant was going to his matrimonial house at Bairiya, 14-15
accused persons intercepted him and started assaulting him with
weapons. It is further alleged that this petitioner gave *khukhri*



blow on the head of the informant causing head injury. It is further alleged that the accused persons assaulted the informant and one of the them fired upon him from a country-made pistol and one co-accused looted bag containing cash amounting to Rs. 40,000/-, and other documents including his motorcycle and fled away.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that the only specific allegation against this petitioner is that he gave *khukhri* blow on the head of the informant but the injury sustained by the informant is not corroborated by the injury report as the same is found to be caused by hard and blunt object and no any sharp cut injury was present. Learned counsel further submitted that injury nos. 1, 3, 5, 6 are simple in nature and caused by hard and blunt substance. Learned counsel further submitted that there is no any repetition of *khukhri* blow on the informant and, therefore, petitioner had no intention to commit murder of the informant and, as such, Section 307 of the IPC is not applicable. It has been submitted on behalf of the petitioner that the



petitioner is in custody since 19.01.2024 and has ten criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kesaria P.S. case No. 563 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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