

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35506 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- TARARI District- Bhojpur

ABHISHEK KUMAR S/o- JITENDRA RAY Village- Jaithwar Ps- Tarari,
Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 447, 341, 323, 307,
504, 506/34 of the Indian Penal Code.

3. As per prosecution case, that on 26.01.2023 at
about 07:00 PM, two accused persons in drunken state came and
forced informant's husband to play indecent music and on
objection, they came back along with other accused persons and
physically assaulted the informant's husband. It is further
alleged that on shouting when the informant's family came to
rescue, then the petitioner along with others assaulted the
informant's son and daughter and caused grievous injury. It is
further stated that during treatment after one month, the
informant's husband died.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. There is general and omnibus allegation against the petitioner and no specific overt act of assaulting against the petitioner. He further submitted that the others co-accused have already been granted bail by a Co-ordinate Bench vide order dated 21.07.2023 passed in Cr. Misc. No. 35835 of 2023. He is languishing in judicial custody since 28.01.2023.

5. The application for bail is opposed by learned APP for the State and submitted that the petitioner was present at the place of occurrence and assaulted.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Tarari P.S. Case No. 15 of 2023.

(Sunil Kumar Panwar, J)

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