

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35642 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- KADWA District- Katihar

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Bambum Mehta @ Bambam Mehta Son of Devan Mehta Resident of village -
Mahammadpur, P.S.- Kadwa, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kadwa P.S. Case No. 12 of 2024, registered on 12.01.2024 for the offences under Sections 341, 323, 354, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assembled and abused the grandfather of the husband of the informant on the issue of throwing of garbage. Thereafter, they assaulted the informant and her husband causing injuries to them. The allegation against the petitioner is that he gave knife blows to the informant and also tore her sari and blouse. Other co-accused persons assaulted the husband of the informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The FIR has been lodged more than 24 hours after the occurrence. The injury report falsifies the allegations against the petitioner as the injury report of the informant shows only defused swelling with tenderness on scalp and left cheek caused by hard and blunt substance and the nature of injury is stated to be simple. But no injury of sharp weapon has been found for which allegation has been made against the petitioner. Learned counsel further submits that the petitioner and informant side are agnates and dispute arose over a common passage used by both sides and the husband of the informant wants to grab this land. The petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner as well as the absence of injury as alleged against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned court in connection with Kadwa P.S. Case No. 12 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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