

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37278 of 2024

Arising Out of PS. Case No.-831 Year-2022 Thana- HILSA District- Nalanda

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RUPESH KUMAR SON OF SUNIL PRASAD RESIDENT OF VILLAGE -
DAULATPUR, P.S. - HILSA, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-07-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 34 of the IPC in connection with Hilsa P.S. Case No.831 of 2022.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant with an allegation that he assaulted the informant by an iron rod causing injury on head. It is further submitted no doubt injury suffered by the informant on head is grievous in nature, but then submits that from perusal of the allegation as alleged in the FIR, it would manifest that several accused persons including the



petitioner came to the house of the informant variously armed and with respect to the petitioner it is alleged that he was carrying a pistol, but then it is alleged that he assaulted the informant by an iron rod.

4. It is next submitted that if petitioner was carrying pistol how could he have assaulted the informant by an iron rod. It is thus submitted that it appears that the informant with a view to implicate the petitioner falsely alleged that he was carrying pistol. It is next submitted that either the petitioner was carrying a pistol or an iron rod, as from perusal of the allegation it does not manifest that the informant alleges that he was carrying both. It is further submitted that four accused persons had come to the house of the informant. It is next submitted that no reason has been assigned for the occurrence which cast an aspersion on the case of the prosecution. It is further submitted that from perusal of the allegation as alleged in the FIR, a doubt is created with respect to the role of the petitioner in the occurrence.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa, Nalanda in connection with Hilsa P.S. Case No.831 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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