

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37235 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- CHANPATIA District- West Champaran

Vikash Prasad @ Vikash Kumar S/o Bharat Prasad R/o Ward No. 3, Naya
Tola, P.S.- Chanpatiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Chanpatia P.S. Case No. 306 of 2023, registered on 16.05.2023 for the offences under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons without any reason started abusing the informant and when he forbade them from doing so, the petitioner hit him on his head with *lathi* causing fracture injury. When the wife and other family members intervened, they were also assaulted by other co-accused persons with *lathi* and *Phatta*.



4. Learned counsel for the petitioner submits that the present case is counter blast of Chanpatia P.S. Case No. 307 of 2023 lodged by Dhiraj Kumar, one of the co-accused of the present case. The real fact is that there was dispute between co-accused Dhiraj Kumar and son of informant and they were fighting with each other. The petitioner tried to stopped them from fighting and he has been falsely implicated in the present case. Learned counsel further submits that no offence under Section 307 of IPC is made out even from the facts of the case as there is no repetition of blow. Learned counsel further submits that the matter has been compromised between the parties and a compromise petition has been filed in the court of learned CJM, Bettiah. The petitioner is having antecedent of one case and he is on bail in the said case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that he hit on the head of the informant causing injury.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of the ingredients of Section 307 IPC and further considering the case and counter case between the parties and



possibility of false implication, 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, West Champaran, Bettiah/concerned court in connection with Chanpatia P.S. Case No. 306 of 2023, 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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