

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41300 of 2024

Arising Out of PS. Case No.-807 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Amit Kumar @Amit Raj S/O Kaushal Kumar Resident of Hariharpur, P.S.-
Hajipur Sadar, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Chandan Kumar Verma, Advocate
For the Opposite Party/s :	Mr. Mohammed Arif, APP
	Mr. Akash Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel appearing on behalf of the
informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 147, 148, 149, 323, 324, 307, 354 and 302 of the
Indian Penal Code in connection with Hajipur Sadar P.S. Case
No.807 of 2023.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a young boy
aged about 22 years and has been falsely implicated in the
instant case with general, omnibus and ornamental allegation.

4. It is next submitted that from perusal of the
allegation as alleged in the FIR, it would manifest that the



allegation is in two parts. It is further submitted that the informant alleges that on 25.10.2023 while he had gone out to work and his daughter was alone in the house and one mason was working in his house when it is alleged that the accused persons including the petitioner came and behaved inappropriately with his daughter and when the informant came back from his work on coming to know about the occurrence he went to the house of the accused persons for complaining when Ritesh assaulted him by an iron rod causing injury on head, thereafter, Chhunu assaulted him causing injury on his hand and Pawan assaulted his son Anand on head by an iron rod causing injury. It is next alleged that that the informant on account of his poverty could not go to the police, but again on 26.10.2023 the accused persons came to his house and thereafter assaulted him, his nephew and his son as detailed in the FIR.

5. Further on account of assault his son became injured who was taken to P.M.C.H. for treatment. The learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence took place on 25.10.2023 and 26.10.2023, further on 25.10.2023 apart from the name of the petitioner figuring in the FIR no overt act has been alleged. Further, on 26.10.2023 when it is alleged that the



accused persons again came and assaulted him and his family members then also there is no allegation against the petitioner of assaulting any of the injured including the son of the informant who subsequently died during the course of treatment.

6. It is next submitted that entire family members including the women folk of the family have been implicated by the informant with specific allegation of assault, but as far as this petitioner is concerned there is nothing in the FIR to even remotely suggest that he assaulted any of the injured, as such it is submitted that whether the petitioner was even present at the place of occurrence or not becomes suspicious. It is next submitted that petitioner has been implicated along with his family members in a mechanical manner with general and omnibus allegation.

7. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the occurrence took place in two parts i.e. on 25.10.2023 and 26.10.2023 and on both the days the petitioner is not alleged to have assaulted either the informant or any of the injured.



8. 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.807 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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