

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40811 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- PIPRA District- Supaul

Ajay Kumar, S/O Jainarayan Sah, R/O Village Mahichanda Tulapatti, Ward
no. 07, P.S. Pipra, Distt-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahid Aqubal, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Pipra P.S. Case No. 283 of 2023 registered for the alleged offences under Sections 147, 149, 341, 342, 323, 506, 307 and 379 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons came to the house of the informant and petitioner gave ‘dabiya’ blow on the neck of the son of the informant causing a cut injury. Son of the informant was further assaulted by Pintu Kumar Sah and the petitioner also snatched Rs. 3200/- and a mobile phone from the pocket of the son of the informant. The occurrence took place in the background of land dispute.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Injury report shows size of injury is 1mm x 1.5mm x 6mm over the back side of the neck and caused by sharp object. This shows the injury is quite superficial in nature. Learned counsel further submits that real fact of the case is that son of the informant was found in the house of the petitioner in objectionable condition with the wife of the petitioner. When an alarm was raised by the mother of the petitioner, she was threatened by the son of the informant. When the mother of the petitioner went to the house of the informant for making complain the family members of the informant assaulted her. Thereafter, she has lodged complaint case which was later on converted into Pipra P.S. Case No. 400 of 2023. Petitioner is having 71% to 100% hearing disability and the allegation against the petitioner is not believable. From the facts of the case it is apparent that there is no application of Section 307 of IPC. Petitioner is having clean antecedent.

5. Learned APP 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 background of dispute and superficial nature of injury of the son of the informant and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner named above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Supaul/court concerned in connection with Pipra P.S. Case No. 283 of 2023, subject to the condition 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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