

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45265 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- MADHAURAH District- Saran

Kunal Kumar @ Kunal Prasad Yadav Son of Rajendra Ray Village- Silhauri,
P.S.- Marhaurah, Dstt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Marhowrah P.S. Case 135/2023, registered for the offence
punishable under Sections 341, 323, 324, 307, 354, 379, 504/34
of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have
assaulted the informant's son by means of knife on his head and
neck as a result of which he sustained injuries and bleeding
started.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 03.05.2024
and bears no criminal antecedent. There is case and counter
case between both the parties and free fighting cannot be



ignored. The petitioner and informant are the next door neighbour. He further submits that there is admitted land dispute between both the parties and in the cases of land dispute facts are generally exaggerated to make the case graver.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation of assault against the petitioner by means of knife upon the head and neck of informant's son and the same is grievous in nature as corroborated by the injury report of the victim.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with injury report and material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

7. However, if trial is not concluded within nine months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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