

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45215 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- ALOULI District- Khagaria

Nitish Kumar Son of Makaradhar Singh @ Makardhwaj Singh @ Makardhar Prasad Singh R/O Vill.- Rampur Alouli, Ward no.- 03, P.S.- Alouli, Khagaria, Bihar

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabish Kumar, Adv.
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP
For the Informant/s	:	Mr. Jaikishor Poddar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Alouli P.S. Case No. 83 of 2024 dated 06.03.2024 registered for the offences punishable u/ss 341, 323, 325, 307, 354, 379 and 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant's elder brother, Suresh Prasad Singh was getting the outer wall of his house plastered, then the petitioner and the co-accused person holding deadly weapons came and assaulted him with intent to kill. The co-accused, Mitesh Kumar and the petitioner,



Nitish Kumar assaulted on the head of the informant's brother with spade, causing injury. When the informant's son tried to rescue, the petitioner, Nitish Kumar assaulted him with a spade and injured him. When the informant and his wife came to rescue, they were also assaulted by the accused persons and injured them. The accused persons snatched earring worth Rs. 30,000/- from the informant's wife.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 03.03.2024 but the F.I.R. was lodged on 06.03.2024 after delay of 4 days without any explanation. The petitioner, the informant and the victims are brothers and uncles. They live together and there is a land dispute between the parties. During the investigation, it was transpired that only two people sustained injuries, the wife of the informant whose injury is minor and simple and the son of the informant, whose injury is described as grievous without any specific dimensions on his nose. The petitioner has two criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Khagaria in connection with Alouli P.S. Case No. 83 of 2024 , subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition:-

1. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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