

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44390 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- DARBHANGA District- Darbhanga

Aashish Kumar @ Ashish Kumar Son of Krishna Kumar @ Krishna Khatik
R/O Vill.- Bhagwan Das, P.S.- Nagar, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Nagar (Town) P.S. Case No. 307 of 2023 dated 24.10.2023, instituted for the offence punishable under Sections 307, 290, 341, 323, 324, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 24.10.2023 at about 11:30 am accused Prabhat Kumar Singh, Ashutosh Karn @ Golu Kumar were selling intoxicated substance in the temple premises and when informant protested then both of them abused and assaulted him. In the meantime, accused Mrituanjay Karn, Krishna Khattik also came there and all of them assaulted the informant with fists and slaps. It is further alleged that on the order of accused Mrituanjay Karn @



Bambam, accused Ashutosh Karn caught the informant and accused Prabhat Kumar Singh gave a knife blow on the chest of informant, due to which informant fell down on the ground and all accused persons assaulted him with fists and slaps.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that there is no specific allegation against the petitioner. The name of the petitioner was not known to the informant only he is named in the F.I.R. as son of Krishna Kumar @ Krishna Khatik, which shows his name has been added upon deliberate discussion and with oblique reason. There is no specific overt act against the petitioner, therefore, no offence under Section 307 of the I.P.C. is made out against him. It is further submitted that the mother of the petitioner was ex-ward councilor of Ward No. 20 and the informant was having some issues with her, so this incident took place and he deliberately dragged the present petitioner in this case. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Nagar (Town) P.S. Case No. 307 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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