

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49744 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- NARDIGANJ District- Nawada

Navin Kumar @ Navin Rajbanshi, S/o Bago RAjbanshi @ Babloo Rajbanshi
@ Bablu Rajbanshi R/o Village- Pandpa, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 324, 307, 448, 504, 506 and 34 of the Indian
Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that the accused persons including the
petitioner entered his house on 18.01.2024, while his son was
sleeping in his room at 3.00 A.M. It is next alleged that Bago
Rajbanshi and petitioner assaulted his son by Axe between his
jaw and neck causing injury on jaw, near the eye and four teeths
were broken and on alarm, family members went to the room of



the injured and saw him in an injured condition and thereafter, he was taken to Nardiganj Hospital from where he was referred to Sadar Hospital Nawada and from there to Pawapuri Hospital. Further, the accused persons 4-5 days prior to the occurrence had threatened the injured on account of dispute relating to house.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eye witness to the occurrence. It is also submitted that the FIR does not even remotely suggest that the injured informed the informant about the occurrence which led to institution of the instant FIR. It is next submitted that the date of occurrence is 18.01.2024 and the FIR came to be instituted on 08.02.2024 i.e. after a delay of twenty days, which cast an aspersion on the case of the prosecution. It is also submitted that had the victim been assaulted in the manner as alleged and he would have been taken to the hospital, then the hospital would have informed the police that patient has come in an injured condition, but then, from perusal of the FIR it would manifest that the same has been instituted based on a written application of the informant, which further casts an aspersion on the ground that it appears



that the occurrence took place in some other manner and the petitioner came to be implicated by way of after thought. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that there was dispute relating to house between the parties.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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 Judicial Magistrate, 1st Class, Nawada in connection with Nardiganj P. S. Case No.30 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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