

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51760 of 2024

Arising Out of PS. Case No.-914 Year-2023 Thana- MANER District- Patna

Birju Kumar, Son of Upendra Mahto, Resident of Village - Hathi Tola, Maner,
P.S. - Maner, District - Patna, Pin Code - 801108

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Maner P.S. Case No. 914 of 2023, registered for the alleged offences under Sections 341, 323, 354, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the informant, her daughter and her sister-in-law. Subsequently, the petitioner and co-accused persons forcibly entered into the house of the informant and assaulted the family members.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and informant are agnates. From the FIR, it



is apparent that the occurrence took place on the allegation of stealing tomatoes from the field. The informant's side started the fight which took place between two sides and persons from both sides received minor injuries and the injury report shows only simple injury to Chandrama Kumari and there is no other injury report. Moreover, from perusal of injury report of Chandrama Kumari, it appears it was fight with fists and legs from both sides and her injury is merely abrasion on mid frontal region size 3"x1/4"x1/4". There is no fracture and allegation of causing this injury is against the petitioner. The learned counsel further submits that apart from the present case, the petitioner is having antecedent of one more case which has been registered under Sections 307 and other allied sections of the IPC.

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 simple and superficial nature of injury of the victim of this petitioner and further considering the background of dispute and possibility of false implication, let the petitioner above named 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, Patna, in connection with Maner P.S. Case No. 914 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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