

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59947 of 2024

Arising Out of PS. Case No.-450 Year-2023 Thana- CHAKIA District- East Champaran

Arvind Kumar Upadhayay @ Sonu kumar Upadhayay, S/O Raj Kishore Upadhayay Resident of Village- Hasnpurwa, Police Station- Chakiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2024 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, 379, 504 and 506/ 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 on 10.12.2023, when he was going to the market when the accused persons including the petitioner intercepted him and assaulted him. Further, on orders of Raj Kishore Upadhayay, the petitioner assaulted the informant by knife causing injury near his eye and shoulder. Further, Raj



Kishore snatched Rs.13,000/- from his pocket and the petitioner took the signature of the informant on a blank paper.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that on account of dispute relating to land, the instant false case has been instituted by the informant. It is also submitted that though informant alleges that on orders of Raj Kishore Upadhyay, the petitioner assaulted him by knife causing injury near his eye and shoulder, but then, from perusal of the injury report (Annexure-3 to the anticipatory bail application), it would manifest that the same records that injury nos.2 and 3 are simple in nature while injury no.1 is said to be grievous, which is recorded as “*red eye, raccoon eye, bruises below left eye caused by hard and blunt object.*” The learned counsel thus submits that the allegation that petitioner assaulted the informant by knife stands falsified. It is also submitted that on account of dispute relating to land, the petitioner came to be implicated with a false allegation that he assaulted by knife in order to give serious colour to the case. It is also submitted that the date of occurrence is 10.12.2023 and the FIR came to be instituted on 21.12.2023 i.e. after a delay of 11 days, which cast an aspersion on the case of the prosecution.



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 C.J.M., Motihari, East Champaran in connection with Chakiya P. S. Case No.450 of 2023, 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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