

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59657 of 2024

Arising Out of PS. Case No.-241 Year-2021 Thana- KISHANPUR District- Supaul

Rupesh Kumar @ Rupesh Yadav @ Rupesh Son Of Prabhu Yadav @ Prabhu Narayan Yadav Resident Of Village - Bagewa, Ward No.- 16, Police Station - Bhaptiyahi, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kishanpur P.S. Case No. 241 of 2021, lodged on 01.12.2021, under Sections 147, 148, 149, 341, 323, 324, 326, 307, 379, 504 and 506 of the Indian Penal Code and Sections 25(1-b)a, 26, 37, 27 of the Arms Act. Subsequently offence under Section 302 of the I.P.C. was added.

3. As per the prosecution, the FIR has been lodged against 18 named and 8-10 unknown accused persons against whom there is allegation that they have assaulted the informant and his relatives. It transpires from the FIR that there is no allegation of act or overt act against the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from the FIR it transpires that they are well-known to each other because both the petitioner and the informant belong to the same village, same Police Station and same district. Counsel submits that from the content of the FIR it transpires that dispute arose between both the parties due to local matters. Counsel submits that from the entire FIR there is absolutely no allegation against the present petitioner, his name has been inserted in the FIR only due to dirty village politics. Counsel submits that the petitioner has only one criminal antecedent in which he is on bail and he is in custody since 17.10.2023. Counsel further submits that other similarly situated co-accused has been granted bail by this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 17976 of 2022.

5. Learned counsel for the State opposes the prayer for bail and submits that from the content of the FIR it appears that he was a member of the mob.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **on being satisfied by the Trial Court that the petitioner is not absconding in Bhaptiyahi P.S. Case**



No. 109 of 2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Kishanpur P.S. Case No. 241 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J.)

Aman Kumar/-

U		T	
---	--	---	--

