

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59557 of 2024

Arising Out of PS. Case No.-217 Year-2024 Thana- HARNAUT District- Nalanda

Bhola Sao @ Ravi Shastri S/O Maharaj Sao @ Maharaj Sav R/O Village-
Bena, P.S- Bena, District- Nalanda. Bihar at present residing at Village-
Jagdishpur, Tiyari, P.S- Noorsarai, District- Nalanda, Bihar- 803114.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-09-2024 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, 504, 506 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and informant alleges
that petitioner assaulted the informant by Khanti causing injury.
Thereafter, the informant was admitted at PHC, Harnaut and from
where he was referred to Sadar Hospital, Bihar from where he was
referred to P.M.C.H., further the occurrence took place as the
petitioner objected the informant from placing his vegetable cart at
the place of occurrence.

4. The learned counsel submits that petitioner has been
falsely implicated in the instant case by the informant, it is also



submitted that petitioner is a person with clean antecedent and is not a criminal, it is next submitted that the occurrence took place on account of dispute relating to placing the vegetable cart as it has been alleged that petitioner was objecting the informant from placing his vegetable cart at the place of occurrence. It is also submitted no doubt, it has been alleged that the informant was assaulted in a manner on account of which he was taken to P.H.C. for treatment and from there to Sadar Hospital, Bihar, from where he was referred to P.M.C.H. which amply demonstrates that petitioner may have suffered a grievous injury but then the F.I.R. does not disclose on which part of the body the petitioner had assaulted the informant, it is also submitted that it absolutely does not stand to reason that if the informant was assaulted in such a brutal manner then why his fardbeyan was not recorded at the hospital or why the hospital did not inform the police about the occurrence. It is next submitted that the F.I.R. has been instituted based on an application of the informant dated 18.05.2024, i.e., two days after the occurrence which further cast aspersion on the case of the prosecution that as to whether the occurrence took place in the manner as alleged in the F.I.R. or the occurrence was committed in some other manner and the petitioner came to be implicated. It is also submitted no doubt, the injury is opined to be grievous on



account of fracture of nasal bone but then the informant in the F.I.R. has not even remotely suggested that on which part of the body, he was assaulted, it is next submitted that petitioner will not abscond rather will cooperate in investigation to prove his innocence and at the cost of repetition it is submitted that the petitioner is not a criminal rather is vegetable vendor.

5. Learned A.P.P. opposes the 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 withing 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 Additional Chief Judicial Magistrate-Ist, Biharsharif, Nalanda, in connection with Harnaut P.S. Case No. 217 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The applications stands allowed.

(Satyavrat Verma, J)

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