

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62964 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- KAMTAUL District- Darbhanga

Chitranjan Kumar Son of Ram Babu Mahto R/V-Village- Ahiyari, P.S-
Kamtaul, District- Darbhanga (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Kamtaul P.S. Case No. 75/ 2023 dated 16.04.2023 registered for the offence(s) punishable under Section(s) 341, 323, 324, 354B, 379, 504, 506 read with section 34 of the Indian Penal Code.

3. Mr. Vinay Kumar Mishra, learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and F.I.R. of the present matter has been registered under sections 341, 323, 324, 354B, 379, 504, 506 read with section 34 of the Indian Penal Code and as per allegation, the petitioner inflicted *Lathi* blow on the head of the informant but no injury dangerous to life on the informant has been found and due to this fact section 307 of the IPC has not been added in this



case. It is further submitted that the alleged occurrence is said to have taken place on 26.03.2023 but the F.I.R. in the form of written application has been filed on 16.04.2023 after an inordinate delay without any explanation, in fact, prior to the registration of the F.I.R., father of the petitioner had lodged Kamtaul P.S. case No. 74/ 2023 against the present informant and the others and thereafter, in retaliation, the present case was fabricated and lodged. It is submitted that in the F.I.R. there is no allegation of repeated blow by this petitioner on the head of the informant and other accused persons have been granted bail by the trial court.

4. Mr. Shailendra Kumar Singh, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of this case as well as the above submissions coupled with the fair and clean antecedent of the petitioner and inordinate delay in lodging the F.I.R. and also the fact that the informant lodged the F.I.R. of the present matter after institution of the F.I.R. by the father of the petitioner against the prosecution party, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner



named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Kamtaul P.S. Case No. 75/ 2023 on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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