

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61408 of 2024

Arising Out of PS. Case No.-287 Year-2024 Thana- DIGHA District- Patna

Suraj Kumar @ Gobba @ Gobha Son of Sri Kundan Rai Village- Railway colony, Road No. 23, PS- Digha, dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Digha P.S. Case No. 287/2024 registered on 14.05.2024 for the offenses punishable under Sections 341, 323, 337, 354, 307, 379 and 504 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against the petitioner alleging therein that the petitioner along with others came in front of the house of the informant and started consuming liquor and ganja and also playing gambling. On protest being made by the informant and her son, he started abusing and misbehaving with the informant and assaulted on the head of the friend of the informant's son with an iron rod.

4. It is submitted by learned counsel for the petitioner



that the petitioner is innocent and has committed no offence. He further submits that in the present case, section 307 of the Indian Penal Code has not been constituted at all because the person who alleged to have received injury has neither been disclosed in the FIR nor is there any apparent injury. Learned counsel further submits that once Section 307 of the Indian Penal Code is not made out, nothing remains in this case. It is true that the antecedent of the petitioner is not clean as there were in total eight criminal cases pending against him. Learned counsel further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He further submits that that in the present case, the petitioner deserves anticipatory bail.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the petitioner is accused in eight more criminal cases apart from the present case. Out of eight cases, four cases relate to sections 307 and 379 of the Indian Penal Code including the present case.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of



the petitioner in connection with Digha P.S. Case No. 287 of 2024, pending before the learned ACJM-XIII, Patna is hereby rejected.

7. In view of this Court, it is a fit case for consideration of prayer for regular bail. Hence, it is directed to the petitioner to surrender before the trial Court within a period of four weeks from today. In case, the petitioner, surrenders within four weeks from today, then the Trial Court is directed to pass an order on his surrender-cum-bail application on its own merit, on the same day without being prejudiced that the anticipatory bail of the petitioner has been rejected.

(Dr. Anshuman, J)

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