

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68067 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Shalu Kumar @ Nitish Kumar S/O Vinay Yadav Resident of Village-
Thikaraur, P.S- Makhdumpur ,District- Jehanabad Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate

For the Opposite Party : Mr.Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 23-10-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 307, 341, 379, 354 and other allied sections of the Indian Penal Code.
3. As per the prosecution case, on the alleged date and time of the occurrence, all the FIR named accused persons including this petitioner and three unknown accused persons came to the furniture shop of the informant and took out some cash from the shop. Accused persons abused and assaulted the informant and her brother.
4. Learned counsel appearing for the petitioner submits that as a matter of fact no occurrence as alleged has taken place, rather petitioner is Intermediate student and when he was returning from the Tehta bazar, he saw some persons were fighting before the shop of the informant and when he went there to pacify the matter, he has also been implicated in this case. All the injuries found on the person of the victims are simple in nature and not on the vital part of the body, except injury of the informant who got her left leg fractured due to falling from the stairs of her shop. It is also submitted that shop of the informant is merely 2 kilometers away from the police station still F.I.R. has been lodged after delay of four days



without any explanation which renders the entire prosecution case doubtful. No specific overt act has been alleged against the petitioner and at best he can be said to be present on the spot at the time of alleged occurrence. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jehanabad in Makhdumpur Tehta OP Police Station Case No. 154 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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