

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66844 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- PALIGANJ District- Patna

1. Amarjeet Kumar @ Amarjeet Prakash @ Suraj Kumar Son of Vishnu Verma @ Vishnu Bhagwan Verma Resident of Village - Kurkuri, P.S. - Paliganj, District - Patna
2. Guddu Kumar @ Amarnath Vikash Son of Vishnu Verma @ Vishnu Bhagwan Verma Resident of Village - Kurkuri, P.S. - Paliganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Sinha, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Paliganj P.S. Case No. 138 of 2024, registered for the alleged offence under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

03. As per prosecution case, petitioners assaulted the informant with spade and *lathi* making the informant unconscious. The occurrence took place when the informant intervened in an altercation between the petitioners and one Rina Kumari. The petitioners also assaulted the son of the informant when he came and wanted to take the informant for



treatment.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Though there is allegation against the petitioner-Amarjeet Kumar of hitting on the head of the informant with spade, injury report falsifies the allegation as the injuries are mere laceration over head of size 1×1 cm apart from other laceration over left side of the eye brow and the pain on right side of shoulder and the assault is stated to be caused by bamboo stick. Thus, the informant has suffered merely superficial injuries. Further, the FIR has been lodged after much delay as for an occurrence of dated 26.03.2024, the FIR has been registered on 04.04.2024 without any satisfactory explanation. Learned counsel further submits that the petitioners are having antecedent of one case but the said case has been lodged by Rina Devi with whom the petitioners allegedly entered into altercation.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against the petitioners for causing injuries to the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



completely superficial and non-serious nature of allegation and further considering the absence of injury attributed to the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Danapur, Patna/court concerned in connection with Paliganj P.S. Case No. 138 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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