

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69876 of 2024

Arising Out of PS. Case No.-2 Year-2023 Thana- ALIPUR District- Gaya

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Bimlesh Kumar @ Vimlesh Kumar Son of Pyare Das Resident of Village-
Akbarpur, P.S.- Alipur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Alipur P.S. Case No. 2 of 2023 registered on 03.01.2023 for the alleged offences under Section 147, 149, 341, 323, 325, 354, 307, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons assaulted the daughter-in-law of the informant and when the informant's husband intervened, the assailants fled away but returned shortly thereafter and assaulted the informant, her husband and her son causing a number of injuries to them. The informant suffered fracture of her right hand in this assault.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. There is land dispute between the parties and they are on litigating terms for quite a long time. There is case and counter case as Alipur P.S. Case No. 13 of 2023 has been lodged by the petitioner side which shows the informant side was aggressor and the act of the petitioner was in self defence. The petitioner's side has also received injury. Learned counsel further submits that that allegation of assaulting the informant is against the petitioner and other co-accused persons as well and there is no specific allegation as such against the petitioner. Except for injury of the informant all injuries have been found to be simple and non-serious. Petitioner is having antecedent of one case which has been compromised before Lok Adalat. Learned counsel submits that a number of co-accused persons have been granted bail by this Court *vide* order dated 13.12.2023 passed in Cr. Misc. No. 60397 of 2023.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits there is specific allegation against the petitioner for assaulting the informant with lathi.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner and further considering the non-serious nature of injuries of the victims, let the



petitioner above named, in the event of his 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 Court of learned Judicial Magistrate-1st Class, Gaya in connection with Alipur P.S. Case No. 2 of 2023, 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 petitioner.
- (ii) The petitioner 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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