

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72020 of 2024

Arising Out of PS. Case No.-544 Year-2023 Thana- PIRO District- Bhojpur

Manoj Upadhyay @ Manoj Kumar Upadhyay Son of Shashi Kant Upadhyay
Resident of Village- Choubeypur, P.S.- Piro, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Piro P.S. Case No. 544 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have assaulted upon the head of informant by means of lathi causing injury upon the head of informant.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that there is case and counter case between the parties



on the same date of occurrence. Learned counsel for the petitioner has annexed Annexure-P/2 to the petition and submits that Piro P.S. Case No. 543 of 2023 was filed by uncle of the petitioner earlier against the informant side and present case is nothing but counter blast of earlier case filed by uncle of the petitioner. He further submits that both parties are next door neighbours. He further submits that though he has not mentioned in the petition that there is no repetition of blow but he has orally submitted that there is no allegation of repetition of blow by the petitioner. Learned counsel for the petitioner annexed Annexure-P/3 (injury report) and submits that injury is simple in nature caused by lathi. In the light of aforesaid facts and circumstances of the case, Section 307 of the IPC is not made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bhojpur at Ara in connection with Piro P.S. Case No. 544 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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