

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71514 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- BIKRAMGANJ District- Rohtas

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MANISH KUMAR S/O ANIL KUMAR SINGH R/O VILL - NONHAR, P.S.
- SURYAPURA, DISTT. - ROHTAS, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh No.10, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 29-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Bikramganj P.S. Case No. 136 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code.
3. The allegation against the petitioner is to assault friend of informant by means of iron rod causing head and other bodily injuries, where occurrence arises out of previous enmities.
4. Learned counsel appearing on behalf of the petitioner submitted that infact petitioner was assaulted by



informant and his friend on 06.03.2023 regarding rash and negligent driving of motorcycle, where they also lodged case registered as Bikramganj P.S. Case No. 125 of 2023 and just to counter the said case, present false case was lodged after 9 days of the occurrence, which suggests, *prima facie*, planned and formulated implication. It is submitted that even from the alleged medical report, injury found grievous upon non-vital part of the body i.e., *meta carpel* of the right hand, which suggests that petitioner was not under intention to cause death as nature of injury is not the sole criteria to attract case under Section 307 of the IPC and in support of his submission learned counsel relied upon the report of Hon'ble Supreme Court as reported in the matter of **Jage Ram and Others Vs. State of Haryana** reported in (2015) 11 SCC 366.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as there is case and counter case between the parties, where injury appears to be received on the non-vital part of the body negating, *prima facie*, intention to cause death, accordingly the petitioner above named, in the event of his arrest or surrender before the learned



Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III, Rohtas at Sasaram/concerned Court where the case is pending in connection with Bikramganj P.S. Case No. 136 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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