

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76907 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- TEKARI District- Gaya

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Bagish Kumar @ Bagira Kumar S/O Late Rajeshwar Prasad R/O Village-
Nasirpur, P.S- Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Tekari P.S. Case No. 226 of 2023, registered on 02.04.2023 for the offences under Sections 341, 323, 308, 379, 504, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner abused the informant and demanded money which he has given as loan to the informant and assaulted him with lathi causing cut, bruise, abrasion and other grievous injury. The petitioner threw away the goods kept in the shop of the informant and took away Rs.1,35,000/- from cash counter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner and the informant are cousin and the



informant was in need of money and he took Rs.1,14,000/- from the father of the petitioner. When the father of the petitioner died and he required money, he requested the informant to return the same but the informant refused and stated scuffling with the petitioner and has lodged this false case with ulterior and oblique motive. Learned counsel further submits that due to the financial dispute this false case has been lodged in order to grab the money given as loan by the father of the petitioner. However, after intervention of family members and well wishers the informant has agreed to return the aforesaid amount in installment and executed an agreement in this regard. The injury report of the informant shows linear abrasion on the right forearm and right leg and opinion has been reserved regarding nature of injury. The petitioner has criminal antecedent of one case and he is on bail in that case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of injury and the occurrence took place in the background of financial dispute between the parties and further considering the possibility of false implication, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Gaya/concerned court in connection with Tekari P.S. Case No. 226 of 2023, subject to the condition as 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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