

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74469 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- MAIN P.S. District- Gaya

VIKASH KUMAR @ VIKAS KUMAR S/O SUDAMA RAJAK @
SUDAMA RAJAK VILLAGE- MANJHAR, PS. MAIN (PAIBIGHA O.P.),
DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Main Police Station Case No. 68 of 202, dated 31.05.2023, disclosing offences punishable under Sections 341/323/324/307/504/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 27.05.2023, while the informant, along with her son, Prince Kumar, was returning to her home after attending a marriage ceremony, on a motorcycle, they were intercepted by the petitioner and the son of the informant was assaulted by means of a small pointed iron



rod (raiti) on the backside of his head, due to which he sustained injury.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged and he has falsely been implicated in this case due to village rivalry. The First Information Report has been lodged after a delay of two days by the mother of the injured, however, the statement of the injured was recorded by the police in which he has disclosed that the petitioner caught the handle of the motorcycle from the front side and from the backside, one person having long hair assaulted the informant's son by means of a small pointed iron rod (raiti) on the backside of his head. He further submits that subsequently, Test Identification Parade was conducted of the person having long hair, namely, co-accused Ranjeet Kumar and the injured identify him as the person who assaulted him on the date of occurrence by means of small pointed iron rod on the backside of his head. No overt act has been alleged against the petitioner by the injured and/or other witnesses.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that



the allegation of assault is not against the petitioner and he has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Gaya, in connection with Main Police Station Case No. 68 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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