

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76559 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Sunny Balmiki @ Kumar Sunny Son of Suresh Hari Resident of Mohalla -
Mohaddinagar, Police Station - Babarganj, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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 Mojahidpur (Babarganj) P.S. Case No. 196 of 2023, registered on 01.06.2023 for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 4/5 of Explosive Substances Act.

3. As per prosecution case, the petitioner and other co-accused persons abused and assaulted the daughter and son-in-law of the informant and when the informant intervened, he was assaulted. They were rescued by the co-villagers. After sometime the petitioner and other two co-accused persons again surrounded the informant and assaulted him and co-accused Praduman Mandal took out a bomb and the petitioner and other



co-accused persons fled away on seeing the police party coming to the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that there is no allegation of assaulting or threatening any person with explosive substance against this petitioner and other offences are bailable in nature. No injury report has been brought on record and it shows the allegation of assault is false and fabricated. Learned counsel further submits that no motive has been assigned in the FIR and the allegations are general and vague. There is no eye witness to the occurrence and matter has been compromised between the parties. The petitioner has criminal antecedent of three cases and he is on bail in all such cases.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is accused in two more cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of allegation against the petitioner 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 Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Mojahidpur (Babarganj) P.S. Case No. 196 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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