

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82141 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- RAGHOPUR District- Vaishali

Aklesh Kumar Son Of Late Shivbalak Mahto R/O Village- Rustampur, P.S.-
Raghopur (RUSTAMPUR O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivendra Shankar, Adv
For the Opposite Party/s :	Mr. Vinod Shanker Modi, APP
Opposite party no. 2	Mr. Rangnath Choubey, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 379 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that petitioner has falsely been implicated in the instant case by the informant. It is next submitted that father of the petitioner and the informant are own brother and on account of dispute relating to land, the present occurrence is alleged to have taken place. It is further submitted that the informant alleges that while he was tilling his land the accused persons including the petitioner came and objected, on which, an altercation took place and thereafter, this petitioner along with co-accused Ajay assaulted the informant by farsa indiscriminately causing



injury on his head.

4. The learned counsel for the petitioner submits that the disputed land belong to the petitioner and they were tilling the land and the informant side objected, on which an altercation took place and the informant and his son assaulted the father of the petitioner by rod causing injury on head. It is next submitted that father of the petitioner was taken to PMCH for treatment, where he died during the course of treatment.

5. Learned counsel further submits that from perusal of the order impugned and the case diary, it would manifest that there is no injury report of the informant on record. It is next submitted that had the informant been assaulted in the manner as alleged in the FIR by farsa indiscriminately on head, which is vital part of the body, then definitely, the informant would have suffered injury and would have gone to the nearest Primary Health Centre for treatment but the informant coming to know that father of the petitioner is seriously injured and his chances of survival is bleak got himself also admitted in PMCH but then there is no injury report on the record.

6. Learned A.P.P Mr. Chandra Bhushan Prasad after perusing the case diary submits that there is no injury report on record and the I.O of the case vide his letter dated 03.02.2024



addressed to the Superintendent of Police, Vaishali has brought to the notice that the injury report of the informant is not on the record as he never went to the Primary Health Centre for getting him treated.

7. The learned counsel for the petitioner at this stage submitted that petitioner is a young boy aged about 19 years in the nature of allegation as alleged and the facts that injury report is not on the record, as such, the petitioner is sent to jail chances are bright that he may come in contact with hardened criminal and his future prospect may also get restricted.

8. Considering the submissions, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs, 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P) P.S.Case No. 161 of 2023, subject to the conditions laid down under section 438(2) of the Cr. P.C.

(Satyavrat Verma, J)

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