

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85837 of 2023

Arising Out of PS. Case No.-111 Year-2017 Thana- BALTHAR District- West Champaran

Jitendra Prasad S/O Late Jamadar Sah R/O Village- Balthar, P.S- Balthar,
Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajeet Kumar Bhardwaj, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending arrest in connection with Balthar P.S. Case No. 111 of 2017, registered on 24.11.2017 for the offences under Sections 447, 341, 323, 324, 379, 308, 354/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons armed with lathi, danda and iron rod assaulted the informant and when her husband tried to save her, the petitioner and co-accused Raju Prasad assaulted him with iron rod causing fracture on the head.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in



this case due to previous enmity. The present case is counter blast of Balthar P.S. Case No. 110 of 2017, lodged by co-accused brother of the petitioner, Seth Prasad for the offences punishable under Sections 447, 341, 323, 387/34 of the IPC. Learned counsel further submits that the injuries of the victim are of simple nature. The petitioner and informant are next door neighbour and in the background of previous enmity, the present case has been lodged. Learned counsel further submits that the petitioner is accused in three more cases, but he is on bail in all those cases.

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 case and counter case between the parties and also considering the background of previous dispute and simple nature of injuries to the victims, let the petitioner above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,-VII,



West Champaran, Bettiah /concerned court in connection with
Balthar P.S. Case No. 111 of 2017, 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)

Amrendra/-

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