

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85541 of 2023

Arising Out of PS. Case No.-245 Year-2020 Thana- CHHATAPUR District- Supaul

Bablu @ Abdullah son of Md Haris Resident of Village - Madhopur, Police
Station - Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
		Mr.Thakur Brajesh Singh, Advocate
For the Opposite Party/s	:	Mr.Dashrath Mehta, 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 his arrest in connection with Chhatapur P.S. Case No. 245 of 2020, registered on 27.09.2020 for the offences under Sections 147, 148, 323, 324, 325, 504, 506, 307 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the informant and her family members causing a number of injuries to them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The present case is counter blast of Chhatapur P.S. Case



No. 244 of 2020 from which it is apparent that the informant side is aggressor. The petitioner and the informant are co-villager and the informant has not assigned any reason for the alleged occurrence and just stated that the petitioner and other co-accused persons assaulted them which is not believable. Learned counsel further submits that moreover the allegation against the petitioner is that of giving lathi blow on the hand of one Abdul Rashid and for this reason, no offence under Section 307 IPC will be made out against the petitioner. The rejection order of the learned court below does not say any injury was caused to Abdul Rashid by the petitioner. Learned counsel further submits that the investigating officer after conclusion of the investigation submitted charge sheet under Section 308 and other sections of the IPC against the petitioner and other co-accused persons and did not sent up five other co-accused persons for facing trial. The petitioner has got no criminal antecedent.

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 fact that only allegation against the petitioner is of giving



lathi blow to the brother-in-law of the informant and no corresponding injury has come on record and further considering the counter version of the case, 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.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul/concerned court in connection with Chhatapur P.S. Case No. 245 of 2020, 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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