

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84223 of 2023

Arising Out of PS. Case No.-987 Year-2022 Thana- SUPAUL District- Supaul

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Dharm Kumar @ Dharm Pandit Son Of Debu Pandit Resident Of Village -
Sukhpur, Police Station - Supaul, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Chandra Bhushan Singh

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2024 Heard Mr. Arun, learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor for

the State.

2. The petitioner apprehends his arrest in connection
with Supaul P.S. Case No. 987 of 2022, registered for the
offences punishable under Sections 341, 323, 324, 307, 379,
504, 506/34 of the Indian Penal Code.

3. Allegedly on the alleged date of occurrence, all the
FIR named accused persons, including the petitioner variously
armed came at the house of the informant and this petitioner
gave iron rod blow to the son of the informant causing serious
injuries. Further allegation has been levelled against other
accused persons of assault and snatching of valuables.

4. It is submitted on behalf of the petitioner that the



present case is nothing, but a counter blast of Supaul P.S. Case No. 986 of 2022 instituted by co-accused Munna Pandit against the informant and others. He further submits that on account of land dispute, a free fight has taken place between the persons of both the sides, due to which various persons have sustained injuries, however, the prosecution has failed to explain the injuries sustained to the persons of the petitioner's side. He next submits that the police after investigation has not found any material against the petitioner, resulting into submission of final form showing the petitioner as innocent. However, differing with the final report, the learned Court below has taken cognizance. Thus, the present application. He further drew the attention of this Court to the order dated 28.07.2023 passed in Cr. Misc. No. 38044 of 2023 by the learned co-ordinate Bench of this Court, wherein other co-accused persons, having more or less identical allegation, have been allowed the privilege of anticipatory bail. He next submits that even the injury report does not corroborate the allegation, as it suggests that the son of the informant has sustained sharp cutting injury.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner bears two criminal antecedents.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is case and counter case and the police after investigation has not sent up the petitioner for trial, coupled with the fact that the injury report does not corroborate the allegation and the other co-accused persons have been allowed the privilege of anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Supaul in connection with Supaul P.S. Case No. 987 of 2022,, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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