

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85249 of 2023

Arising Out of PS. Case No.-403 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bittu Kumar Singh, Son Of Birju Singh, Resident Of Village - Rajaura Tola
Pachhiyari, Police Station - Muffasil, District - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 18-01-2024 Heard Mr. Mrityunjay Kumar, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Begusarai Muffasil P.S. Case No. 403 of 2023, registered
for the offences punishable under Sections 323, 341, 324,
307/34 of the Indian Penal Code.

3. It is alleged against the petitioner that he assaulted
the informant's brother alongwith other accused persons on the
head, neck and chest with iron fighter.

4. Learned counsel appearing on behalf of the
petitioner submits that from the F.I.R. it is evident that the
informant is not a witness to the alleged occurrence and when



he came to know that his brother was found in unconscious position on account of assault being made, he came there and has taken him to hospital. Even as per the injury report, it prima facie suggest that all the injuries are found to be lacerated, the copies of which have been brought on record by way of annexure 2. However, in absence of x-ray report, the nature of injury has not been disclosed. He further submits that, in fact, on account of one criminal antecedent, in connection with Bihar Prohibition and Excise Act, the name of the petitioner has also been implicated in this case by making some frivolous allegation. Moreover, the alleged occurrence is said to have taken place on 13.07.2023 and the present F.I.R. has been instituted on 14.07.2023 and, as such, the deliberation cannot be ruled out.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the injuries which are found to be lacerated, apart from undertaking that he will fully co-operate in the investigation or in the proceedings of the Court, let the petitioner above named 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No. 403 of 2023, 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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