

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86086 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- SANDESH District- Bhojpur

Hariom Kumar, son of Haridwar Choudhary, Village Saraiya P.S. Sandesh District Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Ojha, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, 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 this case, the petitioner is apprehending his arrest in connection with Sandesh P.S. Case No. 204 of 2023, registered for the offences under Sections 341, 323, 307, 354, 504, 302 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the co-accused persons assaulted the informant, his father, mother and brother causing injuries to them. The father of the informant succumbed to his injuries while undergoing treatment. The occurrence took place in the background of dispute over right to way.

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



case. Petitioner is not the family member of the informant and he is not a resident of the same village. Only for the reason that he is related with other co-accused persons, he has been made accused in this case. Moreover, the allegation for assaulting the father of the informant with *danda* is against co-accused Rakesh Chaudhary and allegation of assault over mother of the informant is against co-accused Munna Chaudhary and Ashok Chaudhary. In the FIR, it has been alleged that the petitioner is a relative of co-accused Munna Chaudhary and allegation is that he came there with 4-5 persons and assaulted the informant and his family members but the allegation is not believable that when the occurrence took place in a spur a moment, it is very unlikely that the petitioner would be there prior to the occurrence taking place. Injury report of the informant and his brother and sister is not available though allegation against the petitioner is also of assaulting the sister of the informant. There is case and counter case between the parties and Sandesh P.S. Case No. 205 of 2023 has been registered by co-accused Rakesh Chaudhary against the informant side for the same occurrence. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner and also considering the possibility of false implication in the light of relationship of the petitioner with other co-accused persons, 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 Judicial Magistrate-1st Class, Bhojpur/court concerned in connection with Sandesh P.S. Case No. 204 of 2023, subject to the conditions 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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