

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9453 of 2024

Arising Out of PS. Case No.-389 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Mithlesh Kumar Singh @Satish Kumar Singh, Son Of Sheo Kumar Singh @ Shivji Singh @ Shiv Kumar Singh, Resident Of Village -MEHIYAN Ps- Chapra Muffasil, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhyachal Singh, Sr. Advocate Mr. Ram Binod Singh, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Ankur Prakash Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the informant.

2. In this case, the petitioner is apprehending his arrest in connection with Chapra Muffasil P.S. Case No. 389 of 2023, registered on 22.05.2023 for the offences under Sections 341, 323, 324, 307, 504 and 379/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, variously armed, caught hold of the brother of the informant and this petitioner gave a knife blow above the left eye of the brother of the informant. When the informant intervened, he was assaulted by *lathi* and *danda*. The assailants also took away Rs. 3,00,000/- and ornaments from the house of the informant.

4. Learned senior counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case in the background of land dispute. There is case and counter case between the parties and Chapra Muffasil P.S. Case No. 390 of 2023 has been registered against the informant side by one Pramila Devi under Sections 341, 323, 324, 307 and other allied sections of IPC. Learned senior counsel further submits that though in the FIR petitioner is stated be the author of the injuries on the brother of the informant but in the re-statement recorded by the police during investigation, the informant named one Manoranjan Kumar for causing the said injuries. Moreover, the injury report does not corroborate the allegation of knife injuries since injuries have been found to be caused by hard and blunt substance. Allegation of theft is ornamental. Injury report of the informant shows only pain and swelling. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the brother of the informant was examined for his injuries and the injuries were found to be grievous and fracture of nasal bone has also been observed.

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 doubt over other injuries caused to the brother of the informant and also considering the clean antecedent of the petitioner coupled with possibility of false implication in the background of land dispute, 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. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/court concerned in connection with Chapra Muffasil P.S. Case No. 389 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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