

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3345 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Manish Kumar @ Dilo Kumar S/O Bhola Sah @ Bhola Prasad R/O Village-
Akopur (Panchayat Gopalpur), Ward No. 06, P.S- Cheria Bariyarpur, Dist.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Cheria Bariyarpur P.S. Case No. 173 of 2024, registered for
the offences punishable under Sections 126(2), 115(2), 118(2),
109, 303(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. It is alleged that while the informant was coming
on his bike, in the meantime, the petitioner along with others
intercepted him. It is further alleged that the co-accused Rakesh
Kumar snatched the key of the bike and started abusing and also
assaulted him by butt of the pistol. Further allegation levelled
against the co-accused Sunny Kumar of assaulting him by
means of iron rod. So far the petitioner is concerned it is alleged
that he assaulted the informant from the back portion of sickle



(*hasua*).

4. Learned Advocate for the petitioner drawing the attention of this Court contended that the alleged occurrence took place on 27.09.2024 in the evening of 5:30, although the nearest police station is within two kilometer but the present F.I.R., has been instituted after delay of two days. So far the allegation against the petitioner is concerned it has not been disclosed that he has assaulted the informant on which part, moreover, even if the allegation taken to be true it is specifically contented that he has assaulted the informant from the back side of the sickle, thus the intention is writ large not to cause any harm. Drawing the attention of this Court to the impugned order, learned advocate for the petitioner further contended that the injuries are found to be simple in nature; moreover there is a counter version of the present case executed by the mother of the petitioner.

5. On the other hand, learned counsel for the State oppose the pre-arrest bail application and submits that all the accused persons including the petitioner brutally assaulted the informant due to which he sustained serious injuries over the vital part of his body.

6. Regard being had to the submissions made on



behalf of the parties and considering the delay in lodging of the F.I.R coupled with the factum of case and counter case and injuries being found to be simple as also the fair antecedent of the petitioner, 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 Additional Chief Judicial Magistrate, Begusarai, in connection with Cheria Bariyarpur P.S. Case No. 173 of 2024, 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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