

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33106 of 2025

Arising Out of PS. Case No.-49 Year-2018 Thana- AIRPORT District- Patna

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Suman Kumar @ Ras Suman Joshi @ Raj Suman Joshi Son of Late Ramesh Vishwakarma Village- Garbhu Chak, Po - B.V. College, Ps- Hawai Adda, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Srimati Devi Wife of Late Sipat Paswan Village- katahal Tal, Garbhu Chak, Po - B.V. College, Ps- Hawai Adda, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohit Raj, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 03-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. By order dated 22.05.2025, the Investigating Officer of the present case was asked to present in Court along with up-to-date case diary, injury report and also a report with regard to process of 82 of Cr.P.C whether issued or not.

3. The Investigating Officer is present before this Court along with the required documents and therefore, presence of the Investigating Officer is dispensed with.

4. The petitioner apprehends his arrest in connection with Air Port P.S. Case no.49 of 2018 registered under Sections 341, 323, 354D, 379, 504, 506 and 34 of the Indian Penal Code.

5. As per the prosecution case, accused persons including the petitioner herein came to the house of the



informant variously armed and started abusing the informant and his family members. On protest, accused Suman Kumar assaulted the informant by means of iron rod due to which he suffered head injury.

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Both the parties are neighbors and there is a longstanding dispute between them. There is case and counter case and the manner of occurrence is other than what has been narrated in the F.I.R and the correct version is stated in the F.I.R. being Air Port P.S. Case no.50 of 2018 lodged by petitioner's father against the informant and his family. He further submits that other co-accused persons have already been granted anticipatory bail by learned Court below vide order dated 05.11.2028 passed in A.B.P No. 5210 of 2018. The injury attributed to the petitioner upon the informant is simple in nature. A copy of the injury report has been annexed in the case diary which is on record. The petitioner has no criminal antecedent and undertakes to cooperate in the investigation/trial.

7. The application for anticipatory bail is opposed by learned A.P.P. for the State.

8. A supplementary affidavit has been filed on behalf



of the petitioner to explain the cause of delay for grant of anticipatory bail. It has been stated in paragraph no.9 of the said affidavit that no process has been initiated against the petitioner by police officials till date and the petitioner also suffered injury in an earlier case and was not aware of the proceedings of the Court as his father was suffering from chronic disease and thereafter he expired.

9. In view of the entire facts and circumstances of the case, it is directed that the petitioner above named, having no criminal antecedent in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Air Port P.S. Case no.49 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that he would co-operate in the process of investigation/trial.

(Soni Shrivastava, J)

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