

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50227 of 2024

Arising Out of PS. Case No.-110 Year-2023 Thana- MAHESHKHUNT District- Khagaria

Manish Kumar Son of Madhukar Yadav R/O Vill.- Chandpur, P.s.- Gogari,
Dist.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

7 25-02-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Maheshkhunt P.S. Case No. 110 of 2023 for the offence under Sections 341, 325, 307, 379 and 34 of the Indian Penal Code.

3. As per the prosecution story in brief is that one Vishal Kumar has submitted his application to the police on 30.05.2023 for the occurrence alleged to be committed on 28.05.2023, alleging that on 28.05.2023 at about 10 P.M. he along with one Akash Kumar were going to Maheshkhunt by his Motorcycle but in the way petitioner – Manish Kumar along with other accused persons have brutally assaulted him and his associate - Akash Kumar, due to which the informant and his associate sustained serious injury and on the point of pistol took



away his gold chain and cash of Rs. 12,000/- from him.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, committed no offence and falsely been implicated in this case. The entire prosecution case is false and concocted one and no such occurrence has taken place. He submits that no case U/S 307 or 306 of Indian Penal Code is made out against the petitioner, even if the allegation are taken to be true for a moment. He also submits that the as per F.I.R., the accused took away the informant's gold chain and cash on the point of pistol, means the accused persons were armed with pistol but they did not use the same rather allegedly the accused persons had committed assault with Danda. This fact itself goes to suggest that there was no intention to kill any person. No specific allegation has been imposed against the petitioner rather admittedly allegations are quite general and omnibus one.

5. Learned APP vehemently opposes the prayer of anticipatory bail.

6. During course of argument learned counsel for the petitioner has submitted that the mother of co-accused - Aman Kumar has registered Gogri P. S. Case No. 172 of 2023 against the informant and others and only due to that reason this false case has been filed against the petitioner. Injury report attached



in the case diary shows that no any injury has been sustained on the vital part of the injured.

7. Keeping in view the aforesaid facts and considering the nature of injuries and case and counter case between the parties, this Court is inclined to enlarged the petitioner on anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. IV, Khagaria in connection with Maheshkhunt P.S. Case No. 110 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

prabhakar/-

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