

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67023 of 2025

Arising Out of PS. Case No.-479 Year-2024 Thana- PHULWARISHARIF District- Patna

Deepak Kumar Son of Dashrath Chouhan Resident of Village - Gobindpur,
P.S. - Phulwarisharif, District -Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Phulwari Sharif P.S. Case No. 479 of 2024, dated 29.03.2024, registered under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the day of occurrence i.e 29/03/2024 the informant was at his shop and in the meantime at about 10:30 A.M. (1) Binod Kumar (2) Sangam Kumar (3) Rupesh Kumar (4) Santosh Chauhan (5) Suman Chauhan (6) Ganga Chauhan (7) Aditya Kumar (8) Tun Tun Mali (9) Deepak Kumar (10) Raushan Kumar and (11) Asmit Chauhan all entered in his shop and started abusing him. It is further alleged that when the informant opposed the accused persons to do so,



then the accused Raushan Kumar @ Rocky hit upon his head with iron rod, resulted his head injury and started bleeding. It is further alleged that Rajiv Kumar, Amit Kumar, Ajit Kumar and Shailesh Kumar reached at the place of occurrence to save the informant, then the accused Deepak Kumar hit with Iron Rod upon the head of Rajiv Kumar, resulted his head was broken and was brutally injured. Accused Rupesh Kumar given lathi blow over the hand of the informant, resulted his hand became injured and thereafter accused persons torn the clothes of Shailesh Kumar and snatched his gold chain of 1 Bhar worth Rs. 50,000/- (Rs Fifty Thousand/-). On information police party reached at the place of occurrence and taken the informant and other injured persons to PHC Phulwari Sharif Hospital for treatment and the Doctor seeing the condition of Amit Kumar very serious referred him to PMCH for better treatment.

4. It is submitted by the learned counsel for the petitioner that the allegation against this petitioner is that when Rajiv Kumar came to save the informant Himanshu Kumar, during the said occurrence as alleged, he sustained injury by the overtact of this petitioner, while Raushan Kumar is said to have injured the informant, for which the instant F.I.R. is said to have been registered and as per F.I.R. the informant was assaulted by Raushan Kumar by means of iron rod over his head, due to which



he sustained injuries, who has been extended the benefit of anticipatory bail by a Coordinate Bench of this Court vide Cr. Misc. No. 89223 of 2024. So far the allegation of overtact with respect to this petitioner is concerned, the injury sustained by Rajiv Kumar is simple in nature.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioner.

7. Considering the facts that there is counter version of the present case bearing Phulwari Sharif P.S. Case No. 480 of 2024, dated 29.03.2024, instituted by co-accused Sangam Kumar, so far the allegation against the petitioner is concerned, does not corroborate with the injury report, nature of injuries are found to be simple in nature and as per F.I.R. the informant was assaulted by Raushan Kumar by means of iron rod over his head, due to which he sustained injuries, who has been extended the benefit of anticipatory bail by a Coordinate Bench of this Court vide Cr. Misc. No. 89223 of 2024, let the above named petitioner, be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Sub-Judge-cum-A.C.J.M.-IV, Patna in connection with Phulwari Sharif P.S.



Case No. 479 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner (s) who shall provide official document to show his/her bona fide;

(ii) the petitioner (s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner (s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

pravinkumar/-

U		T	
---	--	---	--

