

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68324 of 2024

Arising Out of PS. Case No.-107 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Abhishek Kumar Son of Nagendra Ray Resident of Village- Jitwarpur
Nizamat, Police Station - Mufassil, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anant Kumar Mishra, Advocate.
For the State	:	Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Mufassil P.S. Case No. 107 of 2021 dated 1.3.2021, registered for the offences punishable under Sections 341, 323, 307, 504 and 379/34 of the Indian Penal Code.

3. As per allegation, the petitioner and co-accused Prabhakar have assaulted the informant and his cousin on head.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the allegation, the petitioner and co-accused Prabhakar were carrying pistol in their hands,



and they assaulted the informant and his cousin. But the alleged victims have not been assaulted by firing and even the injury caused on the head of the informant is simple in nature as per the medical opinion. Hence, Section 307 of the Indian Penal Code is not attracted in the alleged offence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has got clean antecedent.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur, in connection with Mufassil P.S. Case No. 107 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.PC and on



the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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