

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89223 of 2024

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

Raushan Kumar, Son of Kanhai Kumar @ Kanhai Chauhan, 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. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

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

3. Allegedly on the fateful day all the FIR named accused persons eleven in number including the petitioner came at the shop of the informant and started abusing and assaulting. It is specifically alleged that this petitioner has assaulted the informant by means of iron rod over his head due to which he sustained serious injury. Further allegation has been levelled against other accused persons of assault to different persons.

4. Learned counsel appearing on behalf of the

petitioner contended that in fact, on account of a dispute with the informant and the co-accused Sangam Kumar, an altercation took place which resulted into free fight leading to the lodging of the case and the counter case. The counter version of the present case is Phulwari Sharif P.S. Case No. 480 of 2024 instituted by co-accused Sangam Kumar. So far the allegation against the petitioner is concerned, the same does not corroborate with the injury report, inasmuch as, the nature of injury is found to be simple. Referring to the FIR, it is further contended that there is no allegation of any repeatation of blow and, as such, the offence punishable under Section 307 of the IPC is not attracted. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that serious injury has sustained by the informant on account of the assault being made by the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is case and counter case coupled with the simple nature of injury of the informant, 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.20,000/- (twentyu thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-cum-ACJM-XIV, Patna in connection with Phulwari Sharif P.S. Case No. 479 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.)

Jyoti Kumari/-

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