

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84575 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SAHIYARA District- Sitamarhi

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Kishan Kumar S/o Girdhari Das Resident of Village - Dumrikalan, P.S.-
Sitamarhi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Sahiyara P.S. Case No. 62 of 2024 dated
13.05.2024 registered for the offences punishable under
Sections 147, 148, 149, 323, 324, 325, 307, 504 and 506 of the
I.P.C.

3. As per the prosecution case, on 12.05.2024 at about
3.30 P.M., the informant was present at his house, in the
meantime, he received a call from the petitioner, Court Bazar,
Dumari Kala, who demanded one quintal *hen* from him, he told
that he is unable to fulfill the said demand. Thereafter, his sister-
in-law (*Bhabhi*) Munni Devi and her daughters Nishu Kumari,



Mahima Kumari and Rupa Kumari challenged him and started abusing him. When he went out from his house after hearing abuse, then the petitioner along with nine unknown persons who were boarded on five motorcycles came at his door with arms and assaulted him with *knife*, *iron rod* and with the *barrel* of the country made pistol. It is further alleged that in course of scuffle, his sister-in-law (*Bhabhi*) and Munni Devi assaulted with *Dabia* on his head causing cut head injury and his niece (Nishu Kumari) assaulted with *knife* on his head causing cut head injury. When the informant fell on the ground in injured condition, his sister-in-law (*Bhabhi*) and *niece* along with unknown persons who had come with the petitioner assaulted him with *knife*, *iron rod* and the *barrel* of the country made pistol. When the villagers assembled there, the accused persons fled away on their motorcycles. The informant was brought to the Referral Hospital, Majorganj, by his mother and wife.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no specific allegation against the petitioner. No incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner has further submitted that the co-accused persons have assaulted the



informant with *Dabia* and *Knife*. It is submitted that neither the *Dabia* nor the *Knife* is hard and blunt substance. However, the doctor has opined the nature of injury of the informant is grievous. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. The co-accused has been granted regular bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No. 62328 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sitamarhi in connection with Sahiyara P.S. Case No. 62 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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