

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85787 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Prash Kumar @ Prakash Kumar Son of Shatrudhan Mahto R/O-Village-
Jarang Malah Toli, P.S.-Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection with Gaighat P.S. Case No. 95/2024 lodged on 03.04.2024, for the offences punishable under sections 341, 323, 324, 325, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged against seven named accused persons, including the petitioner. It is alleged that all the accused persons, armed with lathi, iron rod, and tangi (axe) brutally assaulted the informant. Specific allegation has been made against the petitioner that he assaulted the informant on the head with an iron rod, causing injury.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated. It is submitted that both the petitioner and the informant are residents of the same village and are well known to each other. The incident arose out of a petty dispute, which led to a scuffle. Counsel further submits that the prosecution story is concocted and one-sided. In fact, the petitioner was assaulted by the informant's side with an axe on his head and forearm, resulting in the lodging of Gaighat P.S. Case No. 87/2024 on 28.03.2024 by the petitioner. The present case, i.e., Gaighat P.S. Case No. 95/2024, was lodged subsequently on 03.04.2024 by the informant. It is further submitted that both cases pertain to the same date and place of occurrence, but reflect two different versions of the incident from opposing sides. A perusal of both F.I.R.s indicates that injuries were sustained on both sides. It is also submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the incident appears to have arisen from a petty dispute, leading to scuffling, and injuries were sustained by both parties.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today,



on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the Judicial Magistrate, 1st Class, Muzaffarpur (East), in connection with Gaighat P.S. Case No. 95/2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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