

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5393 of 2025

Arising Out of PS. Case No.-204 Year-2024 Thana- NOORSARAI District- Nalanda

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Dharambeer Kumar Son of Ramanand Prasad @ Ramnandan Prasad Resident
of Village- Muzaffarpur, P.S.- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Noorsarai P.S. Case No. 204 of 2024, registered for the alleged offences under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the petitioner and co-accused person is of assaulting the Mahanth of a Math with iron rod and butt of the pistol.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. As a matter of fact, the father of the petitioner, co-accused Ram Nandan Prasad, was bataidar of the Mahanth and due to dispute over bataidari some altercation took place and taking advantage of said fact, the informant falsely implicated the petitioner and his father. Learned counsel further submits that the allegation against the petitioner is of assaulting the Mahanth with iron rod on his head and against co-accused father of the petitioner for assaulting with his pistol causing fracture of left hand. The injury report shows there was three injuries. First injury is lacerated wound over right eyebrow was of size 1/2"x1/8"x1/8" and it was found to be simple and it falsifies the allegation that the petitioner assaulted the father of the informant on his head with iron rod. The 2nd injury is lacerated wound on upper arm of size 1"x1/8"x1/8" and this is injury stated to be grievous as a fracture was found but no allegation of causing this injury against the petitioner. The 3rd injury is pain and swelling of left upper arm. However, from the fact it is apparent that there was no intention to cause death. The petitioner is in custody since 31.05.2024 and charge sheet has been submitted. The petitioner is having antecedent of two cases.

5. Learned APP opposes the submission made on



behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that he assaulted the father of the informant on his head with iron rod.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nalanda at Biharsharif /concerned Court in connection with Noorsarai P.S. Case No. 204 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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