

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89570 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- KISHANPUR District- Supaul

Kailu Sharma @ Kailash Sharma son of Bulanti Sharma village- Ward no. 13,
Maladh, Ps- Kishunpur, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2025 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 307, 354, 324, 379, 506/34 of the Indian Penal Code.

3. According to F.I.R., this petitioner along with other accused persons assaulted the son of informant with fists and slaps. It is further alleged that on the order of this petitioner, co-accused Deepak Sharma hit the son of informant with *farsa* as a result of which he sustained head injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been made accused only with a view to put pressure upon him. Admittedly, petitioner and informant are co-sharers and there has been long-standing dispute between the parties with regard to pathway. There is no



injury report on record. Petitioner is only alleged to have assaulted with fists and slaps and there is no allegation of specific over act against him. F.I.R. has been lodged after inordinate delay of 11 days which itself creates doubt about veracity of the prosecution case. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering backdrop of the case, nature of accusation, clean antecedent and other facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in connection with Kishunpur P. S. Case No. 168 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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