

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.721 of 2025

Arising Out of PS. Case No.-89 Year-2024 Thana- Kadirganj P.S. District- Nawada

Abhishek @ Mukul Kumar @ Abhishek Kumar S/o Sunil Singh R/o Vill-
Ohari PS - Kadirganj District- Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 325, 307, 379, 354, 427, 504 and 506 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that informant along with his nephew were inspecting
their field in the meantime a Hulla started near Shivam brick
klin, accordingly, they, out of inquisitiveness, went to see what
was happening and saw petitioner along with other accused
persons assaulting the informant's brother Shyam Sundar Singh
with an iron rod and Khanti on account of which he sustained
injuries on his head and left hand, accordingly, the informant



and his nephew tried to save his brother when petitioner assaulted on the head of the informant on account of which he also sustained injuries. Thereafter, Prince Kumar assaulted the informant with Ramma on finger and left hand causing injury while Ranjit assaulted with iron rod and when the nephew of the informant tried to save the informant then Rahul assaulted his nephew with an iron road on account of which he sustained injury and became unconscious and the accused also damaged the vehicle.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that no doubt, an altercation had taken place in which both sides assaulted each other and from the side of the petitioner also Kadirganj P.S. Case No. 85 of 2024 was instituted against the informant and his side. It is next submitted that the occurrence took place on 27.05.2024 and the petitioner and his side instituted the aforesaid FIR on the same day but the informant with a view to falsely implicate the petitioner and his family member instituted the instant case on 01.06.2024 i.e. after a delay of more than five days of the occurrence which casts an aspersion on the case of the prosecution. It is also submitted that had the injured been



assaulted in the manner as alleged in the FIR in that event the fardbeyan would have been recorded in the hospital, as such, it is submitted that whether the injury suffered by the injured is genuine or not. It is submitted that petitioner is alleged to have assaulted the informant on head by a Khanti but then the injury is simple in nature. It is further submitted that the informant also alleges that all the accused persons assaulted his brother who is alleged to have suffered nine injuries out of which eight injuries are simple in nature but then learned counsel for the petitioner reiterates and submits that delay in instituting the FIR casts an aspersion on the case of the prosecution and the informant suffered simple injury.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kadirganj



P.S. Case No. 89 of 2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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