

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17086 of 2015**

Arising Out of PS.Case No. -186 Year- 2014 Thana -MAHESI District-  
EASTCHAMPARAN(MOTIHARI)

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Pramod Kumar @ Pramod Kumar Srivastava @ Faddu son of Singhasan Prasad resident of village - Bhanjhan Chhapra, P.S. Mehshi, District - East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. A.L.Pandit (App)

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

3      17-08-2015      Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Section 342, 323, 325, 307, 504 of the Indian Penal Code and the fact that even in the period of seven months, the court below could not find from the case diary as to whether the allegation made against the petitioner of assault by iron rod on the informant was substantiated by way of injury report, this Court, on a specific assertion that there is in fact no such injury report to implicate the petitioner, instead of keeping this application pending, would direct the petitioner to surrender before the court below within a period of four weeks from today and, if he does so, the court below shall verify from the case diary



as to whether there is a injury report showing injury allegedly caused by the petitioner by iron rod. If there be such injury report to substantiate the allegation against the petitioner, the prayer for his bail shall be rejected, whereafter, he may move with a prayer for regular bail but, on the other hand, if there is no injury report in the case diary to substantiate the allegation of assault against the petitioner, namely, Pramod Kumar @ Pramod Kumar Srivastava @ Faddu, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajiv Kumar, IV, Judicial Magistrate 1<sup>st</sup> Class, East Champaran, Motihari in connection with Mehshi P.S. Case No. 186 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

It, however, goes without saying that once the prayer for bail of the petitioner on the ground of presence of injury report is rejected, his prayer for regular bail shall be considered by the court below on its own merit without being prejudiced by this order.

**(Mihir Kumar Jha, J)**

Rishi/-

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