

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13498 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- KAMTAUL District- Darbhanga

PRAKASH KUMAR Son of Pradeep Prasad Resident of Village- Kamtol
Bazar, P.S.- Kamtol, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 447, 354, 354(B), 379, 307, 504, 506 and 34 IPC registered in connection with Kamtol P.S. Case No. 126 of 2018.

3. It is submitted that the petitioner has been falsely implicated and all the accused persons and the informant are relatives. The informant is the aunt of the petitioner. There is admitted land dispute between the parties. The fardbeyan does not inspire confidence as there is over writing at two places in the date of occurrence and date of the fardbeyan. It is further submitted that the accusation of assault on the informant's brother Uday Chand Prasad on his head is upon the petitioner, Rahul Kumar as well as Binod Prasad, but from a perusal of the order of the learned Additional Sessions Judge it appears that there is only one injury over parietal scalp which is simple in nature caused by hard blunt substance. There is no specific accusation to attract the offences under Section 354 and 354(B) of the Indian Penal Code. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Darbhanga , in connection with Kamtol P.S. Case No. 126 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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