

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15063 of 2019

Arising Out of PS. Case No.-73 Year-2018 Thana- RAJNAGAR District- Madhubani

Raj Kumar Sharma @ Raj Kumar Thakur, Sex- M, age 55 years, Son of Shambhu Thakur Resident of Village - Chichri, P.S.- Rajnagar, District - Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 143, 144, 147, 148, 149, 113, 109, 278, 341, 342, 337, 338, 332, 333, 307, 353, 504, 427, 435, and 440 of the Indian Penal Code and Section 3/4 of the Prevention of Damage of Public Property Act registered in connection with Rajnagar P.S. Case No. 73 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the petitioner is one of the members of the mob. The accusation of assault is general and omnibus without any specific assault attributed individually. Injuries resulting from the assault alleged against the petitioner are simple in nature.

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 Mr. Vikash Jha, learned Judicial Magistrate, 1st Class,



Madhubani in connection with Rajnagar P.S. Case No. 73 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with 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 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.
- (iv) That the petitioner shall cooperate 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.

5. The provisional bail granted to the petitioner shall stand confirmed upon verification by learned court below that the injuries sustained by the police personnel are simple in nature. In case the petitioner's claim fails upon verification, his bail bonds shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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