

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73273 of 2018

Arising Out of PS. Case No.-330 Year-2018 Thana- RAHUI District- Nalanda

Ashish Kumar @ Ashish Kumar son of Laldhari Yadav Resident of Village-
Habanpura, Police Station Rahui, Distt.-Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 149, 323, 504, 506, 307 IPC and Section 27 of the Arms Act registered in connection with Rahui P.S. Case No. 330 of 2018.

3. It is submitted that the petitioner has been falsely implicated and there is case and counter case between the parties. Other co-accused Pramod Kumar, Kanhaiya Yadav @ Kanhaiya Kumar, Paramhans Yadav, Dilip Yadav @ Dilip Kumar and Kapil Yadav have been granted anticipatory bail by this Court in Cr. Misc. No. 69990 of 2018. Injury sustained by the informant by reason of assault attributed to the petitioner is simple in nature. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition submitting that other co-accused persons were granted bail, noticing that no specific accusation of assault had been made against them. In the present case, however, the petitioner is said to have assaulted with iron rod on the head of the informant, which is on vital part of the body.



5. 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 CJM, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 330 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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