

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30021 of 2019

Arising Out of PS. Case No.-359 Year-2018 Thana- RAHUI District- Nalanda

VIKASH KUMAR Son of Shrawan Jamadar Resident of Village - Khaje
Atwar Sarai, P.S.- Rahui (Bhagwn Bigha), Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Ajeet Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-08-2019 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, 148, 341, 323, 370, 307, 504 506 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Rahui (Bhaganbigha) P.S. Case No. 359/2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation of assault by as many as seven persons and the injury report discloses only two injuries on the informant's brother. There is case and counter case between the parties. Other similarly situated co-accused Bijender Jamadar @ Bijendra Kumar and Shrawan Jamadar have been granted regular bail by this Court in Cr. Misc. No. 8042 of 2019 and Cr. Misc. No. 8831 of 2019 respectively. The petitioner claims clean antecedents.

4. Learned APP on the basis of case diary submits that the petitioner is said to have assaulted the informant's brother with pistol butt who sustained two injuries and the opinion has been



kept reserved for both injuries.

5. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional 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 (Bhaganbigha) P.S. Case No. 359/2018, 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.

6. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to the informant's brother. In case any grievous injury is found, his bail bond shall stand automatically cancelled.

Chandran/-

(Vikash Jain, J)

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