

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59848 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- GOPALPUR District- Gopalganj

CHANDAN KUSHWAHA Son of Bunilal Kushwaha Resident of Village -
Adhmauli, P.S.- Gopalpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-09-2019 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, 149, 323, 325 and 307/34 of the Indian Penal Code, registered in connection with Gopalpur P.S. Case No. 103 of 2019.

3. It is submitted that the petitioner has been falsely implicated in a complaint based FIR. There is considerable delay in filing the complaint on 06.04.2019 for the alleged occurrence of 02.03.2019 and the FIR thereafter has been instituted on 20.06.2019. The accusation of assault by the accused persons, including the petitioner, upon the informant's brother and sister-in-law with *lathi-danda* is general and omnibus and specific accusation of assault upon the informant's



head with *Farsa* is by co-accused Kali @ Chhotu Kushwaha. There is nothing to indicate that the injuries on the informant's brother and sister-in-law are grievous in nature. The petitioner claims clean antecedents.

4. Be that as it may, in the event of petitioner's arrest or surrender before 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 the like amount each to the satisfaction of learned A.C.J.M.-XI, Gopalganj in connection with Gopalpur P.S. Case No. 103 of 2019, 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) 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.

(Vikash Jain, J)

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