

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67801 of 2018

Arising Out of PS. Case No.-126 Year-2018 Thana- KESARIA District- East Champaran

Sunil Pandey Son of Late Basist Narayan Pandey, Resident of Village-
Raghunathpur, P.S.-Kesariya, District-East Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Mrs. Rashmi Jha, Advocates
For the Opposite Party	:	Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 29-01-2019 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, 324, 354, 307, 379, 504, 506 and 34 of the Indian Penal Code registered in connection with Kesariya P.S. Case No. 126 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation of assault which is general and omnibus in nature. The injury report discloses that the informant was examined on 05.04.2018 whereas the occurrence is said to have taken place on 08.04.2018. All the accused persons assaulted the informant and only two injuries have been found on his person and that too simple in nature. The fardbeyan has been recorded belatedly on 09.04.2018 for the alleged occurrence of 08.04.2018. The informant is said to have died on 01.05.2018 and it is only thereafter the first information report has been instituted on 05.05.2018 without invoking Section 302 of the IPC therein. The accusation of assault is improbable considering that at the time of recording the fardbeyan a day after the alleged occurrence, the informant has stated that he was



in injured condition and was proceeding for Sadar Hospital. 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 11th Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Kesariya P.S. Case No. 126 of 2018, subject to the conditions as laid down under Section 438 (2) 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.

BT/Chandran

(Vikash Jain, J)

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