

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26830 of 2020**

Arising Out of PS. Case No.-336 Year-2018 Thana- GHORASAHAN District- East
Champaran

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KAMAL KISHORE PRASAD @ KAMAL KISHORE Son of Babunan
Prasad @ Babunand Prasad Resident of Village - Birta Chowk Ghorashan,
P.S.- Ghorasahan, District - East Champaran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jai
Narain Thakur, learned APP for the State.

The petitioner in the present case is seeking pre-arrest

bail in connection with Ghorasahan P.S. Case No. 336/2018

registered for the offences punishable under Sections 341, 323,

325, 307, 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that so far

as this petitioner is concerned he has been falsely implicated by

introducing his name in the last line of the First Information

Report because of prior enmity and there is no specific



allegation of causing assault against the petitioner. It is submitted that the co-accused Jitendra Sah @ Jitu Tiger against whom there is an allegation of assault has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 20334/2019.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner but admits that in the F.I.R. there is no allegation of causing assault against this petitioner.

Having regard to the facts and circumstances of the case as noticed hereinabove and that in paragraph '3' petitioner has stated that he has fair antecedent, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Ghorasahan P.S. Case No. 336/2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sikarahana at Dhaka, East Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or



indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

