

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75560 of 2019**

Arising Out of PS. Case No.-253 Year-2018 Thana- NAUGACHIA District-
Bhagalpur

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KUNDAN KUMAR @ KUNDAN SHARMA Son of Kumod Sharma Resident of
Village - Dhruvganj, P.S. - Kharik, District - Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s: Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 06-03-2020 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, 327, 504, 506, 379/34 of the
Indian Penal Code registered in connection with Kharik P.S. Case
No. 253 of 2018.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of land dispute. It is submitted that
the accusation of assault as regards the petitioner is general and
omnibus and no specific assault has been attributed to him. It is
submitted that on the allegations made, the ingredients of offence
under Section 327 IPC are not made out. The accusation under
Section 379 IPC is mere embellishment while all other provisions
of the Indian Penal Code are bailable. 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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Naugachia, District- Bhagalpur in connection with Kharik P.S. Case No. 253 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 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.

(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.



5. 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; conversely his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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