

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37914 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- HASPURA District- Aurangabad

SURESH MISTRI S/o Late Ramprasad Mistri R/o village- Salempur, P.S.-
Haspura, District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Haspura P.S. Case No. 009 of 2021 registered for the offences punishable under Sections 341, 324, 307/34 of the IPC.

According to prosecution case, the accused persons including the petitioner having armed with lathi, danda and gadasa assaulted the informant and his brother causing injury to them.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. It is further submitted that there is admitted land dispute between the parties. There is general and omnibus allegation of assault against all the accused persons. It is further submitted that though allegation is of commission of injury with sharp cutting weapon but the doctor has found the injury caused by hard and blunt substance. It is further submitted that co-accused Dipak Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 29.10.2021 passed in Cr. Misc. No. 32108 of 2021. Petitioner is in custody since 05.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Sub-divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Haspura P.S. Case No. 009 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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