

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.35831 of 2020

Arising Out of PS. Case No.-243 Year-2020 Thana- MANJHI District- Saran

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OM PRAKASH PATHAK, S/o Dasrath Pathak R/o Village- Patkhauli, P.S.-
Manjhi, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-01-2021 Heard Mr. Jitendra Naryan, learned counsel for

the petitioner; Mr. Rabindra Kumar Tiwary, learned

counsel for the informant; and learned APP for the

State.

The petitioner seeks bail in connection with

Manjhi P. S. Case No. 243 of 2020 dated 22.08.2020,

instituted for offences under Sections 341, 323, 504,

307, 324 and 34 of the Indian Penal Code, 1860.



According to the F.I.R., for the failure of the informant to agree to compound an earlier case lodged by him, he was assaulted brutally by the accused persons.

With respect to the petitioner, it has been alleged that he had caught the informant and thereafter another accused person hurled knife blow.

The learned counsel for the petitioner has submitted that merely because of the past enmity, the petitioner has been made accused in this case. In fact, it has been submitted that the petitioner has not caused any injury to the informant / victim.

As opposed to the aforesaid contention, learned counsel for the informant has drawn the attention of this Court to the fact that the petitioner has criminal antecedents and that he took an active part in the informant getting assaulted by means of knife as a result of which he received injuries in his stomach.

The petitioner is stated to be in custody since



22.08.2020.

In the case in which the petitioner was earlier made accused, he has been granted bail, which fact is stated in paragraph 3 of the bail petition.

Regard being had to the nature of accusation against the petitioner in the present case and the period of custody, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. - XIII, Saran at Chapra, in connection with Manjhi P. S. Case No. 243 of 2020.

However, it is cautioned that in case the petitioner tries to tamper with the evidence or threatens the witnesses or makes any attempt to cross roads with the informant or any member of his family, it would be open for the informant / victim to move for cancellation of his bail and in that case, the court below shall act with urgent dispatch.



The petition stands allowed with the aforesaid
observation.

(Ashutosh Kumar, J)

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