

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39018 of 2020**

Arising Out of PS. Case No.-46 Year-2020 Thana- ANDHRAMATH District- Madhubani

MD MUNNA S/o Md. Daud R/o Village- Bharpohri, P.S.-Andhramath,
District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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

4 23-07-2021 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 learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Andhramath P.S. Case No. 46 of 2020, G.R. No. 795 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the co-accused no. one to four had hatched a conspiracy and in execution thereof they took away the son of the informant from his house on 09.05.2020. On the



same day at about 3 o'clock the informant learnt that his son has become seriously injured and is at the darwaja of one Rajesh Mandal. It is alleged that when the informant inquired about serious condition of his son, he was told that his son was lying on the road near brick kiln situated at North from the Dakahi Chowk. He was admitted at Sri Vinayak Hospital, Patna. The son of the informant had suffered head injury which was grievous in nature.

Learned counsel submits that the alleged occurrence took place on 09.05.2020 but the present F.I.R. has been lodged after nine days on 18.05.2020. The son of the informant was taken to a private hospital, no information in this regard was given to the police station and subsequently the name of the petitioner has been brought as one who had allegedly assaulted the son of the informant in course of scuffle which has taken place among the co-accused and the son of the informant.

Learned counsel submits that it is a case of false implication and there is no material in course of investigation that this petitioner was called by co-accused by making him a call. The petitioner has no criminal antecedent and has remained in jail in connection with this case for eleven months, investigation against him is complete but the trial is not likely to



take place in near future.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner saying that this petitioner had allegedly assaulted the son of the informant but considering the facts and circumstances, delay in lodging of the F.I.R., no information having been given to the police station for about nine days and then the period of custody of the petitioner who has otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Jhunjharpur, Madhubani in connection with Andhramath P.S. Case No. 46 of 2020 G.R. No. 795 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

