

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8797 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- BEN P.S. District- Nalanda

SHAIENDRA KUMAR SON OF CHANDRIKA PRASAD RESIDENT OF
VILLAGE- SHAHRI, POLICE STATION- BEN, DISTRICT- NALANDA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP.

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

2 03-05-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ben P.S. Case No. 108 of 2020 registered for the offences punishable under Sections 341,323,307,504,506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 8.7.2020 around 4.00 pm this petitioner and one other co-accused Dilip Kumar armed with rod, lathi and sword came and started abusing the informant and when he tried to stop them, Dilip Kumar hit him on his head with the rod due to which he fell down and become unconscious.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation against the petitioner of causing assault on the informant rather the allegation of causing assault is against the co-accused Dilip Kumar. The petitioner is in custody since 3.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is uncontroverted submission of the learned counsel for the petitioner that there is no specific allegation against this petitioner of causing assault on the informant, the allegation of causing assault is against co-accused Dilip Kumar, so far as this petitioner is concerned he has been falsely made an accused in this case and further the petitioner has remained in jail in connection with the present case since 03.10.2020, investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of investigation or prosecution, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Biharsharif, Nalanda in connection with Ben P.S. Case No. 108 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

