

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8657 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- GOGRI District- Khagaria

Munna Kumar S/o Late Lakhan Lal Chaurasiya, Resident of Village-
Pitaunjhiya, P.S.- Gogri, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2022 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 a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 302/34 of the
Indian Penal Code.

According to prosecution case, the informant namely
Sanjay Mandal alleging therein that on 16.04.2021 when his
step brother petitioner Munna Kumar and co-accused Nibha
Devi and Sumitra Devi came at his house for partition of land of
12 katha, which is situated at Mauza- Maliya. The petitioner
Munna Kumar having a spade in his hand assaulted his wife on
her head with spade causing head injury. Blood started oozing
out and she became senseless and fell down on the ground.



Nibha Devi and Sumitra Devi assaulted with lathi, danda and snatched Mangalsutra of his wife and petitioner Munna Kumar also threatened to kill them.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the informant is step brother of the petitioner and there is land dispute between the parties. He further submits that there was no intention to kill anyone and due to spur of movement alleged occurrence had been taken place. He further submits that from bare perusal of postmortem report of the victim it is evident that doctor opined injury caused by heavy, hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Sessions



Trial No. 190 of 2021 arising out of Gogri P.S. Case No. 161 of 2021, G.R. No. 1255 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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