

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10078 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- BAKHTIYARPUR District- Patna

PRAHLAD MOCHI son of Keshav Mochi Resident of Village Rawaich, P.s.
Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 323, 324, 379, 308 and 34 of the
Indian Penal Code.

The petitioner along with others are said to have
assaulted the informant and his family member by a sharp
cutting weapon and committed loot in the house of the
informant.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that as per the F.I.R., the petitioner is said to



have assaulted one Parsuram Mochi by means of Bhala over his head but the injury report reveals that the injury sustained by the injured is simple in nature. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that similarly situated co-accused, namely, Vikash Kumar @ Gauta Mochi and Lakshman Mochi have already been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2022 and 25.05.2022 passed in Cr. Misc. No. 5202 of 2021 and Cr. Misc. No. 6117 of 2022. The petitioner is rotting in judicial custody since 07.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Bakhtiyarpur P.S. Case No. 89 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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