

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10759 of 2022

Arising Out of PS. Case No.-142 Year-2019 Thana- BAKHTIYARPUR District- Patna

1. SHASHIKANT KUMAR Son of Ramgati Pandit Resident of Village - Mirdahachak Sabnima, P.s.- Bakhtiyarpur, Distt.- Patna.
2. Surya Kumar Son of Ramgati Pandit Resident of Village - Mirdahachak Sabnima, P.s.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioners seek bail in a case registered for the offence under Sections 341, 342, 323, 307, 379, 504, 506/36 of the Indian Penal Code.

The informant and his brother are said to have been assaulted by the petitioner and others with deadly weapon like iron rod, lathi and butt of pistol as a result both of them have sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that further submits that according to the F.I.R., the petitioner No.1 is said to have assaulted the informant by the pistol butt and petitioner No.2 is said to have assaulted the informant with the iron rod but the



allegation levelled in the F.I.R. does get support from the medical report although the injury report reveals that the injuries sustained by the victim are grievous in nature but they are not on the vital part of the body of the victim. Moreover, the co-accused, namely, Ram Pravesh @ Preetam @ Ram Pravesh Kumar @ Preetam Royal and Sikandar Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 16.01.2020 passed in Cr. Misc. No. 83567 of 2019. Another co-accused, namely, Ramgati Pandit has also been granted bail by this Court vide order dated 29.04.2022 passed in Cr. Misc. No. 70464 of 2021. The petitioner is rotting in judicial custody since 11.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each 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. 142 of 2019 with the following conditions:-

(1) Petitioners 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/their absence on two consecutive dates without sufficient reason, his/her/their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners 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 petitioners. 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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