

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10962 of 2022

Arising Out of PS. Case No.-85 Year-2018 Thana- ATHMALGOLA District- Patna

VINOD MOCHI Son of Late Baleshwar Mochi Resident of Village -
Nijampur, P.S. - Athmalgola, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Adv
For the Opposite Party/s : Mr.Md. Ataur Rahman,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 379, 504 and 307 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was also added.

It is alleged in the written report that on the date of occurrence seven named accused persons and fifteen unknown persons entered into house of informant and assaulted him with Hasuli, knife, bat and lathi etc. and created nuisance in the house. When the neighbours assembled, the accused persons fled away after taking two chains, two earrings and one watch.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of overt-act or assault against the petitioner. He further submits that it appears from the Fardbeyan of the informant which was recorded on 09.05.2018 in which the informant has not taken the name of the petitioner and the co-accused, namely, Raja Ravidas has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.12.2018 passed in Cr. Misc. No. 70008 of 2018 and several other accused persons have also been granted bail by different Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.12.2021.

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 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 learned Court below



where the case is pending in connection with with G.R. No. 714/2018, arising out of Athmalgola P.S. Case No. 85/2018, 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 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.

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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