

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17794 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- RAMGARHWA District- East
Champaran

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AMIT KUMAR S/o Sarbdeo Patel @ Sarbdeo Raut Resident of Village-
Ramgarhwa, Police Station- Ramgarhwa, District- East Champaran at
Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Lal, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavits, carrying out necessary
correction and bringing on record necessary facts in the main
application, have been filed on behalf of the petitioner, which
forms part of this application.

The petitioner seeks bail in a case registered for the
offence under Sections 147, 148, 447, 341, 323, 324, 307, 379,
380 and 504 of the Indian Penal Code.

The husband of the informant is alleged to have been
assaulted by the petitioner and his associates by means of farsa
and lathi and snatched the golden chain of the informant and also
taken away Rs. 20,000/- cash.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. that the petitioner has assaulted the husband of the informant by Farsa on his head but the injury report of the husband of the informant does not corroborate with the allegation as the injury report suggest that the injury sustained by the victim are simple in nature. He further submits that the parties are neighbourer and there is admitted land dispute between them for which a suit being T.S. No. 16 of 2015 is also pending and on account of that this petitioner has falsely been implicated in this case. He further submits that as a matter of fact this case is a counter version of Ramgarhwa P.S. Case No. 202 of 2021 filed by the co-accused, Sanju Devi against the informants' family. He further submits that the parties have settled their dispute by way of compromise and a copy of compromise petition has also been brought on record by way of second supplementary affidavit. The petitioner is rotting in judicial custody since 17.12.2021.

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

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 Ramgarhwa P.S.
Case No. 244 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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