

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17354 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- PARASBIGHA District- Jehanabad

Sudarshan Bind Son of Shyamnarayan Bind Resident of Village - Malahchak,
P.s.- Parasbigha, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Singh, Advocate
For the Informant	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2022 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, learned counsel appearing for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

As per prosecution story, in brief, it is alleged by the informant that on 04.11.2021 in the evening his son namely Gulshan Kumar aged 16 years was returning after taking '*prasad*' at the Devasthan and when he reached in front of house



of Ravi then seven accused persons including the petitioner surrounded him with various arms like iron, rod, katar, lathi and started assaulting Gulshan Kumar. It is further alleged that at that time the informant was passing through that area and when he saw that accused persons are assaulting his son then he hurriedly moved there and found that his son unconscious and fell down on earth. Informant has also alleged that when he tried to move up his son then accused also assaulted him by means of *khanti* over his head and then all the accused persons fled away. Informant brought his son to Ratani Hospital and from there he was referred to Jehanabad Sadar Hospital and further his son was referred to P.M.C.H. Patna for treatment.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that the date of occurrence is 04.11.2021 but the present F.I.R. was instituted on 12.11.2021 after delay of eight days without explaining the reason of delay. Further submits that F.I.R. in two parts, in first part there is general and omnibus allegation against the petitioner and in the second part there is specific allegation of assault by the petitioner to the informant but there is no injury report of the



informant available on record and the petitioner is in custody since 23.01.2022.

Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner but learned counsel for the informant fairly submits that there is no injury report of Randhir Bind.

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/- (Rupees 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 Parasbigha P.S. Case No. 183 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 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 witness, 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 antecedents, 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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