

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23858 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- BAIRIYA District- West Champaran

Aakash Kumar Son Of Rajendra Prasad R/O- Mohalla- Ilmram Chowk, Ward
NO. 18, P.S.- Bettiah Nagar, Dist.- West Champran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Arif, AAP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anant Kumar Mishra, learned counsel appearing on behalf of the petitioner and Md. Arif, learned Additional Public Prosecutor for the State.

The Petitioner seeks regular bail, who is in custody in connection with Bairiya P.S. Case. No. 241 of 2021 registered for the offences punishable under Sections 341, 323, 307, 379, 324, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 24.11.2021, when the informant and other three persons were present at the cosmetic shop of the informant, in the meantime, all the co-accused persons including the petitioner came to his



shop and demanded the money and when the informant said that he has collected Rs. 5 lakh for buying the articles in the shop, all the four accused persons opened the cash box of the informant's shop and looted Rs. 5 lakh and when the informant protested, all the accused persons assaulted the brother of the informant with the knife.

Learned counsel appearing on behalf of the petitioner submits that as a matter of fact the informant had taken loan from the accused persons to open the cosmetic shop and when the petitioner and others went to recover the amount, then a quarrel took place in between the informant and the petitioner and in scuffle some injuries have been sustained to the brother of the informant. It is next submitted that the brother of the informant sustained altogether three injuries and the same are opined as caused by blunt object and the nature of the injuries have been found to be simple in nature. It is next submitted that so far the loot of Rs. 5 lakh is concerned, the police after investigation has not found case true under Section 379 of the Indian Penal Code and the charge-sheet has been submitted only under Section 307 and other allied Sections of the Indian Penal Code. It is lastly submitted that the petitioner is in custody since 20.11.2021 having man of fair antecedent and moreover, the



investigation is already completed and the charge-sheet has been submitted.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner and other accused persons, who have inflicted knife blow and also looted the cash.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the injury report, which suggest the nature of injuries, as simply in nature, and further the period of custody as also the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 241 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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