

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24623 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- DAUDNAGAR District- Aurangabad

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VISHAL KUMAR @ VIKASH S/o- Sri Arjun Paswan @ Arjun Singh R/V-
Shamsher Nagar, Piripar, P.S. - Daudnagar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 147, 148, 149, 341, 323, 307, 353,
504, 506 and 302 of the Indian Penal Code.

According to the prosecution, the petitioner along
with others after forming a mob are said to have assaulted
the police personnel by means of lathi and danda, as a result
of which one of police personnel sustained injuries and died
during course of treatment.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further submits that according to the F.I.R. the specific allegation of throwing an iron crown on the head of Birendra Kumar Paswan, who happens to be Assistant Sub Inspector of the police, resultantly he sustained grievous injury and according succumbed before the injuries during course of treatment. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that at best the petitioner is said to be a member of mob but he has not participated in any way in the alleged occurrence. The petitioner is rotting in judicial custody since 27.01.2022.

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, 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 Daudnagar P.S. Case No. 47 of 2022 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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