

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26535 of 2022

Arising Out of PS. Case No.-739 Year-2021 Thana- BIHAR District- Nalanda

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Ankesh Kumar Son of Munnu Yadav Resident of Village - Baswan Bigha,
P.s.- Biharsharif, Distt.- Nalanda (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 A supplementary affidavit has been filed on behalf

of the petitioner carrying out the necessary correction in

petition.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 341, 323,

452, 379, 307 and 34 of the Indian Penal Code and Section 27

of the Arms Act.

According to the prosecution case, the informant is

said to have been assaulted by the petitioner by means of butt of



the pistol, lathi due to which he sustained injuries.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the injury report of the injured suggests that the injury sustained by the informant is simple in nature and caused by hard and blunt substance. Therefore, Section 307 does not apply in this case.

The learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Court below where the case is pending in connection with Bihar P.S. Case No. 739 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witnesses, 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 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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