

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36369 of 2021**

Arising Out of PS. Case No.-144 Year-2020 Thana- GORAU District-
Vaishali

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RUPESH KUMAR Son of Shri Anuplal Ray Resident of Village - Piroi, P.S.-
Goraul, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Sr. Advocate Mrs. Vaishnavi Singh, Advocate
For the State :	Mr. Shakil Ahmad Khan, Advocate
For the Informant :	Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-04-2022 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 for the informant as well as learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 302, 447, 448,
342, 323, 324 of the Indian Penal Code.

As per allegation, informant Anila Devi has lodged F.I.R.
against ten named accused persons including the petitioner
along with twelve unknown accused persons. On 19.04.2020 at
about 3:00 P.M. the petitioner along with other accused persons
assaulted the informant's son with sticks over his chest,



abdomen, neck and head, causing him serious injuries which resulted death of the informant's son on 23.04.2020 at P.M.C.H., Patna.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case in the backdrop of admitted land dispute between the parties. Further submitted that the petitioner is named in the F.I.R. and the allegation of assault against co-accused persons and there is no specific act of assault against the petitioner. There is general and omnibus allegation against the petitioner and the co-accused against whom the allegation of assault has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 27.10.2021 in Cr. Misc. No. 56273 of 2021.

Vide order dated 09.03.2022 a report was called for with regard to the present stage of trial. The report reveals that the case is fixed for framing of charge on 31.03.2022 and the police after investigation submitted chargesheet against the petitioner.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** 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 Goraul P.S. Case No. 144 of 2020, 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 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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