

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37084 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- DHANARUA District- Patna

Mukesh Bind, Aged about 22 years, Male, S/o Bijay Bind R/o village-
Kishunganj, P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP
Mr. Nitya Nand Neeraj, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as also counsel for the
Informant.

Petitioner seeks bail in connection with Dhanarua P.S.
Case No. 246 of 2020 registered for the offences punishable
under Sections 341, 342, 323, 324, 302, 302/34 of the Indian
Penal Coded.

The prosecution case, in short, is that on 23.08.2020
in the evening, the father of the Informant Chhotan Bind had
gone at hand-pump situated at the door of one Bijay Bind for
washing his hand and feet. In course of washing, the utensils
kept there fell down, whereupon, Usha Kumari started to abuse
him. It is alleged that Bijay Bind, Mukesh Bind and Rakesh



Bind came there with Lathi and Danda started to assault Chhotan Bind with Pasuli of iron. When the Informant and others came there to rescue him, they were also assaulted by the accused persons. Thereafter, Chhotan Bind was taken to Dhanarua Hospital and, from there, referred to the P.M.C.H. where, during course of his treatment, he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and has falsely been implicated in the present case. He further submits that there is delay in lodging the F.I.R. as it appears from the F.I.R. that the date of occurrence was 23.08.2020 but, the present F.I.R. was instituted on 01.09.2020. He further submits that as per allegation, Bijay Bind and Mukesh Bind had assaulted the deceased on his head by Pasuli of iron but, no such injury was found in the postmortem report. He further submits that the police after investigation submitted the charge-sheet against the petitioner and the petitioner is languishing in judicial custody since 30.09.2020.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail but, fairly submits that petitioner carries no criminal antecedent.

Learned counsel for the Informant submits that the



petitioner may be enlarged on bail after framing of the charge.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Judicial Magistrate, 1st Class, Masaurhi in connection with Dhanarua P.S. Case No. 246 of 2020, subject to 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 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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