

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30941 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- BALIYA District- Begusarai

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Dhiraj Kumar @ Dheeraj Kumar Son of Late Sheochandra Singh @ Late Shivchandra Singh Resident of village - Miralipur Ward No.- 13, P.S.- Ballia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, A.P.P.
For the Informant	:	Mr. Mritunjay Kumar, Advocate
		Mr. Vibhuti Kumar, Advocate
		Ms. Shilpi Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned counsel for the Informant as well as learned Additional Public Prosecutor 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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 504, 34 of Indian Penal Code.

According to prosecution case, in short is that one Dayanand Singh son of Late Jagdish Singh has lodged his written report on 5.7.2021 to the SHO of Ballia police station in which he has stated that on 18.6.2021 at 11.00 am, while he was seated at his door of his house and at the same time quarrel was



made between the children and the same has been pacified by the informant but at the same time the neighbors of the informant namely Dhiraj Kumar, Saurav Kumar and Gautam Kumar have come there and started to abuse to the informant. When the informant has protested to abuse then all the three F.I.R. named accused persons have started to assault to the informant. It has been further alleged that the petitioner namely Dhiraj Kumar has assaulted by way of iron rod over the head of the informant as a result the head of the informant has been broken and Dhiraj Kumar has also assaulted over the hand of the informant and due to assault made by Dhiraj Kumar the informant has sustained injury and he has fell down on the ground. The informant has further alleged that when his younger son namely Rahul Kumar has come there for his rescue then all the accused persons have also assaulted to him over his head and on being heard the sound of hulla the local co-villagers assembled there and thereafter the above named accused persons have snatched Rs. Two thousand cash from his pocket and the family members of the informant have brought to the informant before the Dr. namely Abhishek Kumar for treatment and further the informant has gone to Patna for treatment and when the informant has become healthy and returned from Patna



then on 5.7.2021 the informant has lodged this present case.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per F.I.R. allegation against the petitioner is that he assaulted by way of iron rod over the head of the informant. He further submits that the date of occurrence is on 18.06.2021 but the present F.I.R. has been instituted on 05.07.2021 after delay of more than 17 days without any explanation of delay. He further submits that the injury report of the informant suggest that the nature of injury found on the body of the informant is grievous in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.03.2022.

The learned counsel for the Informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Court



below where the case is pending in connection with Ballia P.S.

Case No. 202 of 2021, 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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