

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34242 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

CHINTU KUMAR SON OF MAHENDRA YADAV @ MAHENDRA
PRASAD R/O VILLAGE- NER, P.S.- MAKHDUMPUR, DISTRICT-
JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 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 341, 323, 325, 3047, 504, 506,
509/34 of the Indian Penal Code.

The son of the informant is said to have been
assaulted by the petitioner and others who are stated to be
lashed with deadly weapon as a result of which the son of
the informant sustained leg injuries and that too his leg got
fractured.

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 it is apparent from the F.I.R. itself that



altogether eight persons are named in the F.I.R. with the accusation of making assault to the son of the informant but it is not specific that as to who has inflicted injury upon the leg of the injured rather there is general and omnibus allegation attributed to the all accused including the petitioner. He further submits that the co-accused, namely, Vivek Kumar and Ajay Kuamr @ Ajay Chaudhary hav already been granted bail by the court below itself and another co-accused, namely, Sunny Yadav @ Chandra Shekhar Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.09.2021 passed in Cr. Misc. No. 51678 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.04.2022.

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 Makhdumpur P.S. Case No. 104 of 2021 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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