

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39870 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- DAWATH District- Rohtas

=====

ARUN KUMAR S/O SRINATH KUSHWAHA Resident of Village- Kawai,
P.S.- Dawath, District- Rohtas. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 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 and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341,323,307,379,504,506,34 of the IPC.

The prosecution case, is that, on 23.03.2022 the petitioner and other accused persons came at the house of the informant with country made katta and attacked upon him. Arun Kumar assaulted him by the butt of Katta on his head thereafter other accused persons assaulted the informant on his head, eyes and nose with intention to kill him, the informant became unconscious and fell down there, thereafter the accused persons snatched the golden chain braslet and cash Rs.5,000/- from the



informant , the villagers raised hulla, and accused persons fled away and demanded the extortion money of five lakhs.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR that the petitioner assaulted the informant but the injury report of the informant suggests that out of five injuries, four injuries are simple in nature and one injury is grievous in nature but the injury is not on the vital part of the body rather the injury is on the right hand of the informant. Further submits that rest of the allegation against the petitioner is ornamental.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Dawath P.S. Case No. 59 of



2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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)

Nitesh/-

U		T	
---	--	---	--

