

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50413 of 2021

Arising Out of PS. Case No.-443 Year-2021 Thana- TURKAULIYA District- East
Champaran

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MUKESH KUMAR Son of Anandilal Patwa Resident of Village - Hardiya,
P.S.- Raghunathpur, O.P. (Turkaulia), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Madhurendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-04-2022 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is in judicial custody in connection
with Turkauliya P.S. Case No. 443 of 2021 under Sections 323,
324, 341, 342, 307, 384, 387, 504, 506/34, 147, 149, 327 and
447 of the Indian Penal Code.

As per the First Information Report, the accused
persons after threatening the informant that they had assaulted
him earlier too wondered how they entered the land without
making payment. It is further alleged that on instigation, Munna
Dewan inflicted ‘*sword*’ on the head of the injured person,
Sunny, as a result of which, he became unconscious. Thereafter,
it is alleged that one Satyam was also assaulted. When the
informant’s family tried to intervene, they too were assaulted.



In this case, case diary along with the injury report was called for.

Learned APP has gone through the different paragraphs of the case diary and he submits that so far as this petitioner is concerned, an omnibus allegation has been made that he too gave '*lathi*' blow to the injured person. He further submits that the injury has been found to be simple in nature.

The petitioner is in jail since 22nd of June 2021 (as stated in paragraph-10 of the bail application) and charge-sheet has already been submitted in the matter.

This Court in the aforesaid circumstances deems it appropriate to grant him the privilege of bail. However, in view of the fact that he does have criminal antecedents; certain conditions need to be imposed on him while releasing him on bail.

Let the 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 443 of 2021, subject to the following conditions :-

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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