

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40216 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- JAMHOR District- Aurangabad

RAHUL KUMAR, Son of Baban Chaudhari Resident of village Rampur, P.S-
Jamhore, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-10-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Jamhore P.S. Case No.129 of 2022 instituted under
Sections 341, 323, 307, 379, 447, 504, 506/34 of the Indian
Penal Code.

The prosecution story, in brief, is that when the
informant was returning home after loading husk on the
container, at about 10.30 PM, Rahul Kumar and Vikash Kumar
stopped him on the point of pistol and sword. They started
abusing him and upon objection Rahul Kumar gave sword blow.
Vikash Kumar snatched his gold chain and Rs.50,000/-. On
'hulla' people gathered then they ran away. Accordingly, FIR



was lodged.

Learned counsel for the petitioner submits that the informant used to pass remarks against the cousin of the petitioner which was objected which led to some scuffle but the same was exaggerated leading to the present FIR and although the allegation is of using sword, the injury report which has been brought by way of Annexure-2 does not support the said theory and the same has been found to be simple in nature caused by hard blunt substance.

Taking into account the fact that the petitioner do not have criminal antecedent, is in custody since 31.05.2022 (as stated in para-17 of the bail application), the injury have been found to be simple in nature, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jamhore P.S. Case No.129 of 2022 to the satisfaction of learned A.C.J.M., III, Aurangabad, subject to 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

