

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53049 of 2021

Arising Out of PS. Case No.-470 Year-2020 Thana- PAHARPUR District- East Champaran

KRISHNA KUMAR Son of Amardev Prasad Resident of Village - Saraiyan
Briti, Bheriharwan Tola, P.S.- Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Baidya Nath Thakur
For the State		Mr.Ramchandra Sahni
For the Informant		Mr. Ajay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-01-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Paharpur P.S.
Case No. 470 of 2020 registered for the offences punishable
under Sections 341, 323, 379, 307, 504, 506, 34 of the IPC.

The prosecution case in short is that the informant was
burying bamboo sticks in his land which crossed the land of the
petitioner over which the petitioner along with other accused
came and abused the informant. The petitioner assaulted the
informant on his head with farsa. When the informant's wife



came to his rescue, the accused persons assaulted her with fists and slaps and also snatched her golden Mangalsutra.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR itself that date of occurrence as mentioned in the FIR is 24.12.2020 but the present FIR has been lodged on 26.12.2020 without any explanation of delay. It is further submitted that injury report does not corroborate with the allegation levelled against the petitioner in the FIR. Petitioner is in custody since 27.06.2021.

Learned counsel for the informant as well as learned Additional Public Prosecutor opposed the prayer of bail on the ground that there is direct allegation against the petitioner.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate-XI, East Champaran in connection with Paharpur P.S. Case No. 470 of 2020, 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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