

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42961 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- ISUAPUR District- Saran

Awadhesh Nat, S/o Krishna Nat, R/o village- Usari Kala, P.S.- Isuapur,
District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Isuapur P.S. Case No. 67 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 332, 333, 353 of the Indian Penal Code and Sections 30, 30(a), 45 of the Bihar Prohibition and Excise Act.

The police on a confidential information conducted a raid in village Usarikala, however, on noticing the police party, it is alleged that co-accused Rajanti Kunwar and Mamita Devi



fled away after throwing gallon containing 30 litres of country made liquor. It is further alleged that 16 named accused persons including the petitioner, attacked upon the police force and make them bound to set free the arrested accused Lal Babu Nat. There is specific allegation against this petitioner that he assaulted over the head of the informant with iron rod.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it would be evident that general and ominous nature of allegation has been levelled against all the co-accused persons and so far the petitioner is concerned, specific allegation has been levelled that he assaulted the informant by means of iron rod, however, the said allegation has not been supported by any medical report as from the record it appears that there is no mentioning of the injury which is allegedly sustained to the informant. He next submits that had the informant received serious injuries, he might have been registered the case under Section 326 or 307 of the Indian Penal Code but evidently the FIR has been registered under Section 324 which shows that the injury was not so grievous. He next submits that only because of one past criminal antecedent, his name has been implicated in this case and, moreover, the petitioner is in custody since 10.06.2022 and now the



investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner that he assaulted the police personnel by means of iron rod.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no injury report on record, suggesting the nature of injury apart from the fact that the investigation of the crime is already complete and charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd -cum- 1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Isuapur P.S. Case No. 67 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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