

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44060 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Mintu @ Mritunjay Kumar Son Of Sunil Kumar Resident Of Village- Nawka
Tola, Kalibagh, Police Station- Kalibagh O.P., District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 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

341,323,324,504,506,307,379/34 of IPC.

As per FIR, allegation against co-accused, namely,

Mohit Patel is that he gave knife blow upon the head of the

informant causing injury at his head. Allegation against the

petitioner is that he assaulted to the informant by Belt but he did

not sustain any injury.



Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the entire FIR is false and fabricated. Further submits that as per FIR, the allegation of assault is against co-accused, namely, Mohit Patel and allegation against the petitioner is that he assaulted the informant but he did not sustain any injury and in fact the petitioner is owner of the Tempo and the informant is driver of the Tempo and the altercation took place due to some money matters and the petitioner has falsely been implicated in the present case.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Bettiah Town P.S. Case No. 83 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper 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 have concealed his criminal antecedents, 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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