

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55320 of 2021

Arising Out of PS. Case No.-535 Year-2020 Thana- CIVIL LINE District- Gaya

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ABHAY KUMAR S/O AMARNATH RESIDENCE OF VILLAGE- SUMER
SAGAR, P.S. AND DISTT.- GORAKHPUR (UTTER PRADESH) AT
PRESENT RESIDING AT MOHALLA- RAJENDRA ASHRAM H/O RAJU
KUMAR, P.S.- CIVIL LINES, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2022 Heard learned counsel for the petitioner 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 Civil Line P.S.
Case No. 535 of 2020 (G.R. No. 523/20/Sessions Trial No.
166/2021/75/2021 registered for the offences punishable under
Sections 307 of the IPC and 3(1)(R)(S) of SC/ST Act.



The prosecution case, in brief, is that on 29.12.2020 at about 1:00 AM, petitioner with an intent to kill assaulted the informant's son with iron rod on his head causing injury on his head. The injured was taken to JPN hospital for treatment from where he was referred to Magadh Medical Hospital for better treatment.

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 police after investigation submitted charge sheet only under Section 307 of the IPC. He further submits that there is no independent witness who had seen the alleged occurrence, except the informant. He further submits that petitioner is mentally ill person and due to that reason he reacted upon the informant's son. He further submits that the act of the petitioner was not intentional. Petitioner is in custody since 30.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

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 Sessions Judge-X, Gaya in connection with Civil Line P.S. Case No. 535 of 2020 (G.R. No. 523/20/Sessions Trial No. 166/2021/75/2021, 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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