

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47222 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- BYPASS District- Patna

Aditya Raj @ Raja Son of Sri Arvind Kumar R/V- Vikrampur, P.S- Fatuha,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Manglam, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341, 342,
323, 324, 325, 307, 504, 506, 385 and 34 of the Indian Penal
Code.

According to the prosecution case, all the co-
accused persons including the petitioner assaulted the informant
by means of iron rod with the intention to kill him.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the petitioner is brother-in-law of the sister of the informant. He further submits that it appears from the F.I.R. that no case is made out against the petitioner under Section 307 of the Indian Penal Code. He further submits that as per allegation in the F.I.R. that the petitioner has assaulted the informant on his left elbow which is not the vital part of the body, so there is no case made out under Section 307 of the Indian Penal Code. He further submits that due to admitted land dispute, the present occurrence took place.

The learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of assault against the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with By Pass P.S. Case No. 285 of 2021, 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 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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