

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.57570 of 2021**

Arising Out of PS. Case No.-66 Year-2020 Thana- DHANAHA District- West Champaran

Vinod Kushwaha, son of Sitaram Kushwaha, R/o village- Barwa Sahaj Tola,
P.S.- Dhanaha, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr.Kumar Ranjit Ranjan, Advocate
For the Opposite Party/s	:	Mr.Anant Kumar 1, APP
For the Informant	:	Mr. Suresh Pd. Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-01-2022 Heard Mr. Baxi S.R.P. Sinha, learned Senior Counsel

for the petitioner, Mr. Suresh Prasad Sharma, learned counsel

for the informant and Mr. Anant Kumar-1, learned A.P.P. for the

State.

This is the second attempt of the petitioner to obtain

bail in connection with Dhanaha P.S. Case No. 66 of 2020

registered for the offence under Sections 341, 323, 324, 307,

302, 504 and 120B/34 of the Indian Penal Code. Petitioner is in

custody in connection with this case since 12.07.2020. He has

otherwise no criminal antecedent.

The allegation as contained in the F.I.R. is that this

petitioner along with co-accused Govind Kushwaha and

Dharmendra Kushwaha had assaulted the son of the informant



who ultimately died.

Learned senior counsel for the petitioner submits that this petitioner has been falsely implicated in this case. He is a government teacher and from the F.I.R. itself, it would appear that the allegations to assault upon the son of the informant have been made against Govind Kushwaha, Dharmendra Kushwaha and Vinod Kushwaha by Bhala and Lathi. It is submitted that earlier while rejecting the prayer for bail of this petitioner this court had observed that the learned coordinate Bench of this court had rejected the prayer for bail of co-accused Govind Kushwaha and had granted liberty to the said accused to renew his prayer for bail after six months. Similar view was taken by this court and this petitioner was also granted liberty to renew his prayer for bail after six months. It is further submitted that till date the charges have not been framed.

Learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for bail of the petitioner.

This court has been informed that co-accused Govind Kushwaha had moved afresh for bail before the learned coordinate Bench of this court in Cr. Misc. No. 53202/2021 which has been allowed vide order dated 08.12.2021 after



noticing that the charges have yet not been framed.

Learned A.P.P. for the State does not deny the fact that in this case the charges have yet not been framed.

Considering the facts and circumstances of the case wherein the allegation of assault is against this petitioner as well as co-accused Govind Kushwaha and Govind Kushwaha has already been granted bail by learned coordinate Bench of this court after finding that the charge has yet not been framed and the trial is not likely to be concluded in near future, this court is persuaded to take a similar view of the matter, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 66 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that petitioner shall attend the trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance before the learned trial court shall invite action towards cancellation of bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading Judicial Orders Passed During The Pandemic Period.

