

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57927 of 2021**

Arising Out of PS. Case No.-155 Year-2020 Thana- MAHINDWARA District- Sitamarhi

Jaykishor Sah S/o Raudi Sah R/o village- Olipur, P.S.- Mahindwara, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 05-05-2022 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 APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 379 & 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

As per prosecution case, it is alleged by the informant namely Ranjeet Kumar that on 13.12.2020 at around 12:00 Noon, he caught a auto-rickshaw at Tegraha to return home and when he reached Olipur Chowk, P.S. Mahindwara, Dist- Sitamarhi five persons namely Afzal Ansari, Rajesh Bhagat @ Rajesh Kumar,



Mintu Kumar @ mantu Kumar, Jai Kishore Shah and Mahesh Suri @ Mahesh Mahto along with others surrounded the auto-rickshaw and pulled him out. It is further alleged that the accused persons took out Rs. 3,000/- from the pocket and assaulted him with iron rod and other weapons with the intention to kill and became unconscious and found himself at Novel Hospital.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no direct allegation of assault against the petitioner and during investigation nothing has come against the petitioner and the police after investigation submitted charge sheet against the petitioner. The petitioner is in custody since 23.12.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Mahindwara P.S. Case No. 155 of 2020, with 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 witness, 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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