

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48408 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- BAKHTIYARPUR District- Patna

DINESH PRASAD SON OF LATE SUMINDRA PRASAD R/O VILLAGE-
LAXMANPUR, P.S.- BHAKHTIYARPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 147, 148,
149, 321, 323, 307, 504, 379 of I.P.C and Section 27 of Arms
Act.

According to prosecution case, in short is that one
Santosh Kumar (Informant) submitted a written application
before the S.H.O, Bakhtiyarpur Police Station stating that on
14.03.2022 at the time of election of School Secretary at
Lakshmanpur Utram Madhya Vidyalaya Lakshmanpur. But



before the election the husband of the former school Secretary said that election would not be held as he had donate the land for construction of the school. In the meantime Dinesh Prasad, Umesh Prasad, Sanjay Prasad, Sailu Kumar, Nagendra Singh, Upendra Prasad armed with katta and with prior meeting of mind came there and started firing. Dinesh Pd. Assaulted the informant with the butt of three nut as a result he sustained injury on his head. In the course of fleeing away by the informant and others, Nagendra Singh snatched one bhar locket from the neck of informant and threatened for killing him.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the FIR the allegation against the petitioner that he has assaulted on the head of the informant but the injury report of the informant suggests that the injury is simple in nature and the allegation against the petitioner is general and omnibus in nature.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory 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 Bakhtiyarpur P.S. Case No. 109 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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