

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51894 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- CHHAURADANO District- East
Champaran

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BHOLU KUMAR @ AJIT KUMAR S/o Late Ajay Prasad Resident of
Village- Juafar, P.S.- Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Raj, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 09-12-2022 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.

Heard Mr. Ravi Raj, learned counsel appearing on
behalf of the petitioner and learned APP for the State through
video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Chhauradano P.S. Case No. 299 of 2021
registered for the offences punishable under Sections 188, 147,
148, 149, 341, 323, 324, 326, 307, 332, 333, 353, 379, 337, 338,
290, 427, 171 (C), 171 (H) of the Indian Penal Code and 126 of
the R.P. Act.

The prosecution case is based on a written report filed



by the informant alleging therein that in course of flag march and area domination etc. with a view to conduct Panchayat election on 15.11.2022, when they reached near the house of Sonu Kumar, where they found that a large number of persons were assembled there. When the police asked them to vacate the place, all the 46 FIR named accused persons and 250 unknown male and female persons holding lathi, danda, knife, sword, sickle bricks etc. started assaulting the police force by surrounding them. It is also alleged that the accused persons damaged the Bolero vehicle and motorcycles of various police officials. It is specifically alleged that the petitioner having sword in his hand, assaulted the Chowkidar, Pramod Prasad over his head, causing serious injury.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that there is a general and ominous allegation that the mob has damaged the public property, including the vehicles of the police personnel. So far the specific allegation against the petitioner is concerned, during the course of investigation Chowkidar Pramod Prasad was examined by the Medical Officer and it has been found that the injuries were superficial, caused by hard and blunt substance which clearly shows the falsity of the allegation. He further



submits that only because of one past criminal antecedent, his name has been implicated in this case and now the investigation of the crime is already complete and charge-sheet has been submitted, though the petitioner is in custody since 26.01.2022. He next submits that other co-accused persons have already been allowed bail by learned co-ordinate Bench of this Court.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of injury, which is found to be simple in nature, as has been stated in the petition and further the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari in connection with Chhauradano P.S. Case No. 299 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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