

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64637 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- GUTHANI District- Siwan

Sanjay Prasad Gond Son of Ram Nath Gond R/o Village - Balua, P.S. -
Guthani, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Madhuri Lata

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

3 09-05-2022 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 four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 354, 307/34 of the Indian Penal Code.

According to prosecution case, on the basis of written application of the informant namely Shobha Devi wherein it has been alleged that on 19.01.2021 while she was alone in her house as her husband is employed in a private job, in the meantime her neighbor Sanjay Prasad Gond (petitioner) entered in her house and started teasing whereupon informant raised her



voice thereafter he fled Away. Again along with his brother Harendra Prasad who was equipped with saval and Shailendra Prasad Gond having Lathi in hand was assaulting upon cry her son and Bhaisur came there in the meantime petitioner assaulted with daab on the head of the informant causing cut injury on the head and she fell down unconscious. Her Bhaisur Sachidanand Yadav was assaulted by Harendra and Shailendra with Lathi and Saver.

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 the present case is counter blast of SC/ST (Siwan) P.S. Case No. 02 of 2021 filed by the mother of the petitioner against the family member of the informant. He further submits that the allegation as alleged in the F.I.R. does not corroborate the injury report of the informant. He further submits that it appears from the F.I.R. that the date of occurrence took place was on 19.01.2021 but the present F.I.R. has been instituted on 21.01.2021 after delay of two day without any explanation of delay. He further submits that during investigation the informant does not support the allegation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the



petitioner. The petitioner is in custody since 03.07.2021.

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, 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 Guthani P.S. Case No. 18 of 2021, subject to 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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