

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64901 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- SAHIYARA District- Sitamarhi

Golu Kumar @ Bablu Kumar S/o Abhiram Singh R/o Village- Sahpur
Shitalpatti, P.S.- Sahiyara, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2022 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, 354, 379, 504, 506/34, 307 of the Indian Penal Code.

As per prosecution case, in brief, is that on 05.05.2021 at about 5:00 P.M. when the informant's son Ritesh Kumar was going to load sand on his truck the petitioner and other co-accused armed with *sword, lathi, danda* entered into her house and started assaulting the informant's son. When the informant's husband came to rescue, co-accused Chhotu Kumar



assaulted on his head with a sword by which he sustained cut injury on his forehead and fell on the floor becoming unconscious while the informant's son Nitesh Kumar Singh was also attacked by the petitioner Golu Kumar and co-accused Chandan Kumar with sword and knife by which he was also injured. On hearing the villagers came there and the accused petitioner Golu Kumar and Chandan Kumar took Rs. 1,00,000/- from the house of the informant and all fled away. Thereafter the informant, her husband and sons were taken to Referral Hospital, Majorganj for treatment.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. Further submits that the allegation of assault against the petitioner as per F.I.R. the accused petitioner and co-accused Chandan Kumar assaulted Nitesh Kumar Singh. Further submits that the injuries are simple in nature caused by hard blunt object and sharp cutting object except the injury is grievous in nature of Sanjay Kumar Singh, husband of the informant. Further submits that police after investigation submitted chargesheet against the petitioner



and the petitioner is in custody since 03.09.2021.

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 Sahiyara P.S. Case No. 57 of 2021, 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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