

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.66702 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

BHIM KUMAR @ SUDHANSHU KUMAR, S/o Surendra Yadav, Resident
of Village- Bherwaniya, Police Station- Bhagwanpur Hat, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s: Mr.B. N. Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-05-2022 Learned counsel for the petitioner undertakes to re-

move the defects as pointed out by the Stamp Reporter within

two weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. B. N.
Pandey, learned APP for the State.

The petitioner in the present is seeking regular bail in

connection with Bhagwanpur Hat P.S. Case No. 122 of 2020

registered for the offences punishable under Sections 147, 148,

149, 341, 323, 324, 307 and 504 of the Indian Penal Code. The

petitioner is in custody since 19.09.2021 He has no criminal an-

tecedent.

Learned counsel for the petitioner submits that, as per

the prosecution story, the allegation against this petitioner is



that of giving a spade blow to one Mohan Kumar who happens to be the brother of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific allegation of assault against the petitioner. It is submitted that the petitioner has remained in custody in connection with this case since 19.09.2021 having no criminal antecedent.

Mr. B. N. Pandey, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the allegation against this petitioner is that of giving a spade blow to one Mohan Kumar who happens to be the brother of the informant, the injury report of Mohan Kumar shows one cut incised wound, there is no repetition of blow, the petitioner is a student who is appearing in competitive examinations and one of his Admit Card has been brought on record as Annexure '5', the co-accused similarly situated namely Nagendra Yadav and Subodh Kumar have been granted anticipatory bail in Cr. Misc. No. 178 of 2021, the petitioner has no criminal antecedent and has remained in custody in connection with this case since 19.09.2021 and the alleged occurrence took place on account of dispute



while playing cricket, in the totality of the circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan, Bihar in connection with Bhagwanpur Hat P.S. Case No. 122 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

