

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59703 of 2022**

Arising Out of PS. Case No.-10 Year-2022 Thana- PATORI District- Samastipur

Vinay Kumar S/O Late Munnilal Rai Resident of Village and P.O.- Chaksaho,
P.S.- Patory, District- Samastipur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party : Mr. Kumar Veerendra Narayan, APP

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

2 23-12-2022 Heard learned counsel for the petitioner and Mr. Kumar
Veerendra Narayan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patori P.S. Case No. 10 of 2022 registered for the offences punishable under Sections 341, 323, 325, 307, 354, 379, 447, 448, 504, 506/34 of the Indian Penal Code. He is in custody since 30.06.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 06.01.2022 at about 04:30 P.M. the informant Sujana Devi along with her son was at Bathan at a distance of half kilometer. She alleged that when she was returning to her home with a co-villager, she heard her daughter-in-law Kavita Kumari crying to save her and she saw that Mukesh Kumar was trying to rape said Kavita Kumari. Mukesh Kumar and his associates fled away on the point of pistol and when the informant tried to



stop them, they assaulted her on her head and hand with iron rod and lathi. The golden chain and Mangalsutra of the daughter-in-law of the informant were also snatched by the said accused persons.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 30.06.2022. Learned counsel submits that the petitioner and the informant are the co-villagers and only one injury is grievous in nature and the another is simple.

Mr. Kumar Veerendra Narayan, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner and the informant are co-villagers, in the alleged occurrence the informant is said to have suffered two injuries in which injury no. 1 is simple in nature whereas injury no. 2 which has been found on the hand of the informant which has been fractured, it is said to be grievous in nature, but in connection with this case, the petitioner has remained in custody for almost six months, he has otherwise no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, there being no submission on be-



half of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial or that his presence cannot be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Paroti P.S. Case No. 10 of 2022, subject to the condition as laid down under Section 437 (3) 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 steps 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)

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