

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71606 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Deepak Kumar, Son Of Ram Mahto, Resident Of Village - Rampur Ghat, P.S
- Cheriabariyarpur District Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Adv.
Mr. Ranjay Kumar, Adv.
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Cheriabariyapur P.S. Case No.27 of 2021

registered for the offences punishable under Sections 341, 323,

504, 506, 307 and 337/34 of the Indian Penal Code . He is in

custody since 08.09.2021 having no criminal antecedent as

stated in paragraph ‘3’ of the application.

Learned counsel for the petitioner submits that, as per

the prosecution story, the allegation against the petitioner is that



he had assaulted the informant by throwing brick on his head.

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 general and omnibus allegation of assault against this petitioner. It is submitted that the petitioner is in custody since 08.09.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner has been falsely implicated in this case after the informant lodged the Title Suit bearing No.237/10 which was going on between the informant as plaintiff and the family of the petitioner, the allegations are general and omnibus and further submission that the allegation of assault by throwing brick against the petitioner shows that the alleged occurrence took place in the spur of the moment, there was no premeditation of mind and the injury found on the body of the informant is simple in nature, the petitioner has remained in custody since 08.09.2021 and investigation against him is complete as also that his presence may be secured in course of trial, this court directs release of the petitioner above named on bail on



furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Majhaul in connection with Cheriabariyapur P.S. Case No.27 of 2021, 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 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)

arvind/-

U		T	
---	--	---	--

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'.

