

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4365 of 2023

Arising Out of PS. Case No.-163 Year-2021 Thana- BIHIA District- Bhojpur

ASHOK KUMAR @ MANTU @ ASHOK KUMAR RAM Son of Subedar
Ram Resident of Village - Mishrawli, P.S.- Bihiya, T.District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Shantam Shivam, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 11-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 15.07.2022 in connection with Bihiya P.S. Case No.163 of 2021, F.I.R. dated 05.05.2021 registered for the offence punishable under Sections 147,341,323,307,379,504,506 of IPC and later on 302 of IPC has been added.

The accusation against the petitioner is that he assaulted the brother of the informant by means of lathi on his head and sustaining injury he fell down and lastly died.

Learned senior counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits



that there is case and counter case between the parties and it appears from the FIR itself that the deceased was not present at the place of occurrence and the present incident took place at the spur of moment and there was no intention to kill the deceased and there is no repetition of lathi blow upon the head of the deceased and due to some dispute the present occurrence had taken place and both sides had sustained injury. Further submits that the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 15.07.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the FIR is supported by the medical evidence.

Considering the aforesaid facts, 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 learned Additional Chief Judicial Magistrate-1, Bhojpur at Ara in connection with Bihiya P.S.Case No.163 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/her absence on two consecutive dates without sufficient reason, his/her 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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