

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4861 of 2023

Arising Out of PS. Case No.-529 Year-2021 Thana- BASANTPUR District- Siwan

ANIL PRASAD Son of Suren Prasad R/V- Sendurkha (Bichla Tola) P.S-
Basantpur, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Choudhary, Advocate
		Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.11.2022 in connection with Basantpur P.S. Case No. 529 of
2021, F.I.R. dated 30.11.2021 for the offences punishable under
Sections 341, 323, 324, 379, 504, 506, 325, 34 and 307 of the
Indian Penal Code.

According to prosecution case, as per written reprot of
the informant alleging therein that on 17.11.2021 at about 9:00
hours, he and his cousin brother along with five has gone to Kali
Temple for worship. When they were returning home in the way
petitioner along with other co-accused persons in order to kill
attacked on them. Dharmendra Prasad assaulted Niraj Tiwari by



rod which caused injury in hand, Chattu Kumar gave knife blow on chest of Gaurav Kumar, Ashok Prasad assaulted with Talwar to Vishal Kumar which caused injury near ear, Anil Prasad (petitioner) assaulted Sumit Kumar by chura in stomach caused serious injury. Thereafter all started assaulting all. In the meantime Ankit Kumar and Ankur snatched the golden chain from neck of informant. Rajan Kumar Patel snatched golden chain from Sumit Kumar, Rajan Kumar Patel snatched golden chain from Sumit Kumar, Prince Kumar took out golden chain from Gaurav Kumar. Thereafter, all went away giving threatening that if Dinesh would not resign then they would be murdered. The reason behind the occurrence is said to be that Dinesh Singh has been declared elected in ward member election.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Basantpur P.S. Case No. 527 of 2021 filed by co-accused Ashok Prasad against informant and his family members. He further submits that bare perusal of F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 17.11.2021 but the present F.I.R. has been instituted on



30.11.2021 after delay of thirteen days without any explanation of delay and the present F.I.R. is instituted only to falsely implicate the petitioner and their family members. He further submits that as per F.I.R. the allegation against the petitioner that he assaulted with the knife to the cousin brother of the informant Sumit Kumar on the stomach but the injury report was found on the person of the injured in his chest. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 529 of 2021, subject to 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 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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