

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9543 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- KURTHA District- Jehanabad

RUPA DOM S/O Peyar Chandra Dom R/O Village- Dhrampur Pondil, P.S-
Kurtha, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Kurtha P.S. Case No.149 of 2022 instituted under Sections 147, 148, 149, 452, 324, 325, 307, 504 and 506 of the Indian Penal Code lodged on 29.05.2022 by the informant Ram Deni Yadav.

As per the FIR, on 29.05.2020 at about 11.30 A.M. while the informant was at his house in the meantime the petitioner besides co-accused persons armed with *lathi danda* and deadly weapon came there and the petitioner stated abusing and assaulting and enquired about his sons.

It is alleged that the petitioner Rupa Dom assaulted on feet of the informant whereas co-accused Shatrudhan Dom assaulted on his head by means of from rod which hit on knee



and co-accused Jyoti Devi also assaulted by means of *lathi* upon the informant as nearby people came there, the accused persons ran away. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is in custody since 13.11.2022, do not have criminal antecedent and has falsely implicated in this case.

Considering the fact that the petitioner do not have criminal antecedent, the allegation of assault is on the feet, he is in custody since 13.11.2022 (as stated in para 11 of the petition), this Court is inclined to extend him to privilege of bail. If, however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kurtha P.S. Case No.149 of 2022 to the satisfaction of learned S.D.J.M., Arwal, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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