

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13459 of 2023**

Arising Out of PS. Case No.-455 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Krishna Rajak S/O Umesh Rajak R/O Bari Kajarpur, P.S- Barari District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 06.06.2022, in connection with Sessions Trial No. 455 of 2022 arising out of Kotwali (Barari) P.S. Case No. 881 of 2022, F.I.R. dated 04.06.2022 registered for the offences punishable under Sections 448, 341, 323, 324, 325, 307, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the petitioner and other co-accused persons entered into the room of the informant and started assaulting the informant severely and due to which the informant became senseless.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that both the



parties are agnates and due to land dispute the present occurrence had taken place. He further submits that from a bare perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 02.06.2022 but the present F.I.R. was instituted on 04.06.2022 after delay of two days without giving any explanation of delay. He further submits that as per allegation it appears that there is general and omnibus allegation against all the accused persons including the petitioner and the injury report suggests that all the injuries are simple in nature. He further submits that co-accused persons namely Kanhai Razak @ Kanhaiya Rajak and Baby Devi have been granted bail by a Coordinate Bench of this Court vide order dated 28.03.2023 passed in Cr. Misc. No. 2499 of 2023, another co-accused person namely Nutan Devi has been granted bail by a Coordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 5505 of 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.06.2022.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. In view of the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge-XIV, Bhagalpur, in connection with Sessions Trial No. 455 of 2022 arising out of Kotwali (Barari) P.S. Case No. 881 of 2022, 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 witness, 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 antecedents, 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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