

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11289 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

RAKESH KUMAR SAHNI Son of Bikau Sahni @ Vikau Sahni Resident of
Village - Mahinam Pohaddi, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Ghanshyampur P.S. Case No. 298 of 2022 registered for the offences under sections 147, 148, 149, 341, 342, 323, 324, 307, 332, 333, 353, 224 and 225 of the Indian Penal Code lodged on 10.11.2022 by the informant, Sanjeewan Ram.

As per F.I.R., the police party arrested the wanted accused Jamun Mukhiya in connection with Ghanshyampur P.S. Case No.-194/2022 but the petitioner alongwith other accused persons attacked on the police party and got Jamun Mukhiya free from police custody. The police personnel also sustained injuries in the alleged occurrence. Accordingly, the FIR.

It has been contended by the learned counsel for the



petitioner that omnibus allegation is there against him, he has no criminal antecedent and further irrespective of the outcome of the present case in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 5,000/- each to the two injured persons i.e. Rs. 10,000/-.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that he is in custody since 11.11.2022 (as stated in paragraph-14 of the bail application), do not have criminal antecedent, this Court is inclined to extend him privilege of bail subject to payment of Rs. 10,000/-, as stated above.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Biraul, District-Darbhanga in connection with Ghanshyampur P.S. Case No. 298 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 appear before the concerned police station every month for next one year to mark attendance;

(iv) 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 his bail bonds;

(v) 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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