

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17145 of 2023

Arising Out of PS. Case No.-259 Year-2021 Thana- MUFFASIL District- Aurangabad

MANISH DUBEY Son of Sanjay Dubey R/O Vill.- Lahana, Kanjharua, P.S.-
Koransarai, Dumraon, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
19.11.2022 in connection with Aurangabad (M) P.S. Case No.
259 of 2021, F.I.R. dated 15.10.2021 registered for the offence
punishable under Sections 144, 341, 323, 224, 225, 353, 332,
337, 338, 333, 307, 354, 427, 504 and 506 of IPC.

3. Specific allegation against co-accused namely,
Aditya Kumar who assaulted with iron rod to the constable,
namely, Bimlesh Kumar and general and omnibus allegation
against all the five accused persons including the petitioner who
assaulted to the constable, namely, Sunil Kumar.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in the present case. Further submits that from bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is specific allegation against co-accused namely, Aditya Kumar who assaulted with iron rod to the constable, namely, Bimlesh Kumar and in the 2nd part, there is general and omnibus allegation against all the five accused persons including the petitioner who assaulted to the constable, namely, Sunil Kumar. There is no specific allegation of any assault or overt-act attributed against the petitioner and the injury report of constable, namely, Sunil Kumar suggests that both the injuries are simple in nature caused by hard and blunt substance and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.11.2022.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. 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 C.J.M., Aurangabad in connection with Aurangabad (M) P.S. Case No. 259 of



2021, with the following conditions:-

(I) 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.

(II) 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.

(III) 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)

Nitesh/-

U		T	
---	--	---	--

