

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13497 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- MUNGER MUFFASIL District- Munger

Amit Kumar @ Amit Yadav S/O Sachchidanand Yadav R/O Village- Bank,
Ward No- 13, P.S- Mufassil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Ms. Jyoti Ranjan Jha, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 Heard Mr. N.K. Agrawal, learned senior counsel for

the petitioner and learned Additional Public Prosecutor for the

State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
17.09.2022 in connection with Mufassil P.S. Case No. 281 of
2022, F.I.R. dated 04.08.2022 for the offences punishable under
Sections 341, 323, 325, 307, 504, 379, 506/34 of the Indian
Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, this petitioner along
with other accused persons have assaulted the informant and his



father and brother due to non-payment of the due amount of milk. It is further alleged that the co-accused, Ankit Yadav inflicted blow of Tangi on the head of the informant causing broken injury.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the FIR that initially the co-accused, Ankit Yadav has assaulted the informant and thereafter, all the accused persons including this petitioner have assaulted the father and brother of the informant. He further submits that there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner that they have assaulted the brother and father of the informant. Though the injury report of the injured persons suggest that the injuries are grievous in nature but there is no specific allegation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ankit Yadav @ Ankit Raj has been granted bail by a co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 19833 of 2023. The petitioner is in custody since 17.09.2022.



6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the seven cases.

7. 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, Munger in connection with Mufassil P.S. Case No. 281 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 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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