

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20675 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- BHIMPUR District- Supaul

Lakhichand Mukhiya S/O Late Paltan Mukhiya R/O Village-Belaganj, Ward
No. 13, Jiwachhpur, P.S.- Bhimpur, Distt.- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha,Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. The petitioner seeks bail, who is in custody since 17.09.2022 in connection with Bhimpur P.S. Case No. 63 of 2022, F.I.R. dated 22.06.2022 registered for the offence punishable under Sections 341, 323, 315, 325, 379, 354(B), 504, 506/34 of IPC. Later on Sections 316 and 307 of IPC have been added.

3. Allegation against the petitioner for making assault on the abdomen of victim/informant, due to which her pregnancy got aborted.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the police, after investigation, submitted chargesheet against the petitioner on 20.09.2022 and the petitioner is in custody since 17.09.2022.

5. Learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits there is direct specific allegation against the petitioner and injury report of the victim, namely, Buliya Devi suggests that she has sustained altogether three injuries.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** 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., Supaul in connection with Bhimpur P.S. Case No. 63 of 2022, 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)

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