

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21246 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- SURYAGARHA District- Lakhisarai

Madhav Kumar, Son of Ajay Kumar Singh @ Ajay Singh, R/V- Surajgadha
behind Surajgadha PS- (Jagdishpur), P.S.- Surajgadha Dist- Lakhisarai
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Surajgarha P.S. Case No. 257 of 2022
registered for the offences punishable under Sections 323, 307,
342, 379, 504, 506/34 of the Indian Penal Code. He has got two
criminal antecedents.

As per the prosecution story, on 26.08.2022 at about
10:30 P.M. when the informant went to Surajgarha market and
stopped at Mahavir Chowk to drink cold water, ten persons
armed with lathi, danda, pistol and edged weapon came near the
Mahavir Chowk of Purani Bazar. One Raja Kumar assaulted the
informant with iron rod on his head causing head injury and
bleeding. Madhav Kumar (this petitioner) wrapped gamcha in
his neck and one Suraj Kumar snatched his mobile phone (Vivo



Company) and motorcycle (Splendor). All the accused persons assaulted him with fist, slaps and danda and due to old enmity, they wanted to kidnap him with intention to kill. The whole incident has been recorded in the CCTV footage of nearby shop named Sunil General Store.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the injury caused on head is attributed to the co-accused and the same is simple in nature. The allegation over this petitioner is of wrapping the neck of the informant with a towel which is not corroborated by the injury report.

Learned APP for the State has opposed the anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner is that he wrapped a gamchha (towel) around the neck of the informant and was pulling him, however, the injury report does not corroborate the said allegation, the injury found on the head is specifically attributed to the co-accused which is simple in nature, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the



petitioner shall be released on bail in connection with Surajgarha P.S. Case No. 257 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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