

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28014 of 2023

Arising Out of PS. Case No.-562 Year-2022 Thana- ARWAL District- Jehanabad

Arun Kumar son of Surag Dev Singh @ Surya Deo Singh Village- Lekha
Bigha Ps- Arwal Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned 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 08.02.2023 in connection with Arwal P.S. Case No. 562 of 2022, F.I.R. dated 19.11.2022 for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner along with other accused persons have assaulted the informant by means of iron rod on his head with an intention to kill him.

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 F.I.R. that the date of occurrence is 17.11.2022 but the present F.I.R. has been instituted on 19.11.2022 i.e. after delay of two days without giving any explanation of the said delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that during investigation the re-statement of the informant was recorded in paragraph 17 of the case diary in which he has changed the F.I.R version and stated another story with regard to the injury. He further submits that the injury report of the informant suggest that the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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, Arwal in connection with Arwal P.S. Case No. 562 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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