

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23303 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- PUSA District- Samastipur

GHANTU KUMAR @ SHYAM KISHORE KUMAR Son of Ramesh Thakur
Resident of Village - Maidapur (Madapur), Chhapda, P.S.- Pusa, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Pusa
P.S. Case No. 102 of 2022 dated 29.12.2022 registered for the
offence under Sections 341, 342, 323, 307, 504, 506 and 34
of the Indian Penal Code.

The petitioner along with others are alleged to
have assaulted the informant by fists, slap and iron rod due
to which he sustained head injury.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. itself that no



specific allegation of assault of any overt act is attributed to the petitioner rather the specific allegation of assault is attributed to the co-accused, Nandu Kumar who inflicted iron rod upon the head of the son of the informant as a result of which he fell down unconsciously. Moreover, the injury sustained by the victim is opined as simple in nature. He further submits that the alleged occurred is stated to be of 06.10.2022 and the F.I.R. is of 17.10.2022 after delay of eleven days without any explanation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Judicial Magistrate-1st Class, Samastipur in connection with Pusa P.S. Case No. 102 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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