

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25879 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- ARA NAGAR District- Bhojpur

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Dharmendra Kumar Srivastava @ Bheem Lal S/O Late Vinay Lal Resident of
Mohalla - M.P. Bagh, P.S.- Arrah Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra Ojha, Adv.

For the Opposite Party/s : Mr. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 05-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ara Town P.S. Case No. 02 of 2023 lodged under Sections 147,
149, 323, 307, 354, 504, 506 and later added Section 302 of the
I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against seven named and four unknown accused persons
including the petitioner. From the contents of the F.I.R., it
transpires that four persons were injured in this case and one
person died. The specific allegation against the petitioner is to
assault the informant by iron rod, due to which bleeding started

from the head of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. There is no allegation against the present petitioner that he has assaulted the deceased. Counsel submits that by way of filing supplementary affidavit, he has produced the injury report of the informant which doctor has found simple in nature. Counsel submits that there are two criminal cases pending against the petitioner and he is in custody since 05.01.2023.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a direct allegation against the present petitioner to assault the informant by iron rod, due to which bleeding started. Counsel further submits that in furtherance of the common intention, all the accused persons have gathered and committed the said crime.

In this view of the matter, bail petition of the petitioner should be rejected.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur in connection with Ara Town P.S. Case No. 02 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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