

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26814 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- BAKHARI District- Begusarai

Amarnath Mukhiya Son Of Late Bindeshwar Mukhiya @ Bindeshwari
Mukhiya R/O Village- Sonma, Ward No.10, P.S.- Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 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 29.11.2022 in connection with Bakhari P.S. Case No. 302 of 2022, F.I.R. dated 14.09.2022 for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner along with one Ram Jivan Kumar stopped the informant and started abusing and assaulting him. It is further alleged that this petitioner assaulted the informant with digar due to which he



fell down.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that due to the admitted land dispute, the present occurrence took place and both the parties are neighbor. He further submits that it appears from the F.I.R. that there is specific allegation that the petitioner has assaulted the informant with the help of knife. Although, the opinion of the injury report is reserved but it appears from the injury report that the informant has sustained injuries. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.11.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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, Begusarai in connection with Bakhari P.S. Case No. 302 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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