

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28934 of 2023

Arising Out of PS. Case No.-586 Year-2022 Thana- CHHATAUNI District- East Champaran

Mohan Kumar @ Mohan Gupta Son Of Late Rajbanshi Prasad R/O-Arya
Samaj Chowk, P.S.-CHHATAUNI, Distt.-EAST Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
02.12.2022 in connection with Chhatauni P.S. Case No. 586
of 2022, F.I.R. dated 27.11.2022 registered for the offence
punishable under Sections 302/34 of IPC.

The prosecution case, in short, is that one Aditi
Kumari has given a written application to the officer-in-
charge, Chhatauni Police Station that on 27.11.2022 at about
13.00 PM , after completing her class, she and her brother
Ayush Kumar @ Golu (deceased) came out from coaching.
Accused Ranu Kumar @ Lucky Kumar, Mohan Gupta,
Sangita Devi, Isha Kumari, Rahul Kumar started assaulting



his brother and took him into the house. Ranu Kumar assaulted with knife on the chest of informant's brother, he sustained injury and fell down. On the information of villagers, he was taken to Rahmaniya Hospital, Motihari where he died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the allegation as alleged in the FIR is false on the ground that the petitioner is a patient of Cancer and it appears from the FIR that the allegation against the petitioner is that he caught hold the brother of the informant and co-accused person, namely, Ranu Kumar inflicted dagger blow on the brother of the informant. Learned counsel for the petitioner submits that there is no allegation of any assault or overt-act attributed against the petitioner rather the same is against co-accused, namely, Ranu Kumar, who is son of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.12.2022.

Learned APP for the State has opposed the prayer



for bail of the petitioner.

Considering the aforesaid fact, 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chhatauni P.S. Case No. 586 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 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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