

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30121 of 2023

Arising Out of PS. Case No.-311 Year-2022 Thana- MURLIGANJ District- Madhepura

DILKHUSH KUMAR SON OF GULO DAS VILLAGE RAJNI, PS
-MURLIGANJ, DISTRICT MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Murliganj P.S. Case No.311 of 2022 instituted under Sections 341, 323, 324, 307, 326, 504, 506, 34 of the IPC lodged on 26.06.2022 by the informant Bechan Das.

As per the prosecution story, the allegation is of assaulting the 'Chaumin' seller by the accused persons in his stomach using scissor.

A co-ordinate bench had call for case diary which has since been received.

Learned APP has gone through it and the injuries have been found to be simple in nature.

Learned counsel for the petitioner submits that the injuries have been found simple in nature and the petitioner is in custody since 20.03.2023 and have no criminal antecedent.



Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 5000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP opposes the prayer for bail.

Taking into account the fact that the injuries have been found to be simple in nature and the petitioner is in custody since 20.03.2023, do not have criminal antecedent, this Court is inclined to grant him privilege of bail subject to the payment of Rs.5000/- as undertaken above by the learned counsel for the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Murliganj P.S. Case No.311 of 2022 to the satisfaction of learned ACJM,Ist, Madhepura , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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