

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31765 of 2023**

Arising Out of PS. Case No.-175 Year-2022 Thana- BARIYARPUR District- Munger

Ranjan Kumar @ Rajiv Kumar Son Of Late Suresh Yadav Resident Of
Village-Paria, P.S.-Bariarpur, District-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Informant/s	:	Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 15-09-2023 Heard Mr. Yogesh Chandra Verma, learned Senior Counsel appearing on behalf of the petitioner, Mr. Sunil Kumar, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.02.2023 in connection with Bariarpur P.S. Case No. 175 of 2022, F.I.R. dated 06.11.2022 for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. According to prosecution case, petitioner is alleged to have abused and assaulted the family members of the informant.



4. 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 the allegations as alleged in the F.I.R., are false and fabricated and he has not committed any offence. He further submits that F.I.R. is registered in two part :- (i) There is general and omnibus allegation against all the accused persons that they have assaulted the father of the informant. (ii) There is specific allegation against that the petitioner has assaulted by a sawal blow on the head of the brother of the informant, namely, **Saurav Kumar** and there there is no repetition. So, there is no intention to kill the brother of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.02.2023.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted with a sawal blow to the brother of the informant and the injury report of the brother of the informant suggest that the injury is grievous in nature, which



was inflicted on the head of the **Saurav Kumar**, who is brother of the informant but fairly submits that co-accused person, namely, **Rakesh Kumar @ Subodhi Yadav @ Subodh Yadav** (order giver) against whom the allegation of assaulting the father of the informant is levelled, has been granted bail vide order dated 01.05.2023 in Cr. Misc. No. 27262 of 2023 by the learned Court below itself.

6. 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 Judicial Magistrate – Ist Class, Munger, in connection with Bariarpur P.S. Case No. 175 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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