

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34682 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- SHASTRINAGAR District- Patna

Raju Kumar Son Of Late Kailash Pati Akela Resident Of Village- Murdali Chak, P.S- Nagar Nausa, Distt- Nalanda At Present Address- Renter of Deokai Rai, House Machhali Gali, P.S- Shastri Nagar, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 03.01.2023, in connection with Shastri Nagar P.S. Case No. 05 of 2023, F.I.R. dated 02.01.2023 registered for the offences punishable under Sections 342, 324, 307, 506 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted the victim with manual spice grinder (lodhi) made from hard stone repeatedly in vital part of the body due to which the victim sustained injured.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and as per allegation in the F.I.R. the petitioner has assaulted the victim with *lodhi* to the father of the informant but no reason has been assigned in the F.I.R. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.01.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is specific and direct allegation against the petitioner which is supported by the injury report of the father of the informant and out of three injuries, the injury nos. 1 and 2 are grievous in nature and injury no. 3 is simple in nature.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Patna in connection with Shastri Nagar P.S. Case No. 05 of 2023, 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 witness, 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 antecedents, 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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