

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35925 of 2023

Arising Out of PS. Case No.-195 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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PRINCE KUMAR SON OF VERMA PRASAD RESIDENT OF VILLAGE-
LAKHAURA BICHALA TOLA, WARD NO. 02, PS- LAKHAURA, DISTT-
EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard Mr. Sanjay Kumar Tiwari, learned counsel

for the petitioner and Mr. Jitendra Kumar Singh, learned APP

for the State.

The petitioner is an accused in connection with
Motihari P.S. Case No. 195 of 2023 (G.R. Case No. 1502 of
2023) registered for the offences under sections 341, 323, 324,
379, 307, 504, 506 and 34 of the Indian Penal Code lodged on
07.03.2023 by the informant, Chandra Bhushan Prasad.

The prosecution case, in brief, is that the informant
namely, Chandra Bhushan Prasad filed a written statement
before the S.H.O. Lakhaura Police Station, alleging therein that
on 07.03.2023, at about 9.00 A.M., when he was constructing
house at his land, then all accused persons with plan came and



started obstructing him. Further, when he raised objection, all F.I.R. named accused persons assaulted Amit Kumar with spade, Farsa, and sword due to which he sustained serious injuries. When Binod Bihari Prasad came to his rescue, then accused Gita Devi, Rinku Devi and Verma Prasad gave 'bhala' blow on him, causing serious injury. During assault, accused Prince Kumar snatched cash of Rs. 15,000/- from the pocket of Binod Bihari Prasad while the accused Vicki Kumar snatched gold chain from the neck of Amit Kumar. Accordingly, the FIR.

Learned Counsel for the petitioner submits that although the exaggerated FIR alleges one or the other role to the family members including assault on Amit Kumar by this petitioner, a bare perusal of the learned Session Judge would show that despite given ample opportunity to the learned P.P., no such Injury Report was brought on record. His last submission is that he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that as per the FIR, injuries were caused by this petitioner.

Considering the age of the petitioner (19 years), is in custody since 29.03.2023 (as stated in paragraph 12 of the petition) as also the fact that he has no criminal antecedent and



the learned Session's Judge order shows that the Injury Report was not brought on record, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari P.S. Case No. 195 of 2023 (G.R. Case No. 1502 of 2023), subject to the 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 month for next one year 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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