

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35157 of 2022**

Arising Out of PS. Case No.-133 Year-2021 Thana- BIRAUL District- Darbhanga

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GOVIND KHAN Son of Late Ram Khan @ Late Ramakant Khan Resident of
Village - Pataniya, P.S.- Biraul, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Udbhay, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, A.P.P.
For the Informant	:	Mr. Pankaj Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 379 and 504 of the Indian Penal Code

According to prosecution case, in brief, is that on
30.05.2021 at about 6:48 hours one call from mobile no.
9470044639 was received on mobile no. 9049942288 of the son
of informant namely, Rohit and the caller asked about his where
about, but did not give his own name and address and on the



same day in evening said caller against abused said Rohit. It is further alleged that on 01.06.2021 in morning all the F.I.R. named accused persons including the petitioner arrived armed with various weapons at the door of informant and dragged the informant out from the house. It is further alleged that thereafter on the order of Ram Khan, accused Rajeev Khan and Sonu Khan put gamchha around the neck of informant and started twisting the same for strangulating his neck and the accused Manish Choudhary assaulted him with lathi. The further prosecution case is that the petitioner Govind Khan inflicted farsa blow on the head of the nephew of informant namely, Ranjeet Choudhary and thereupon he fell down on the ground and in the said condition Praveen Khan and Chandan Khan assaulted him with holder of Tengari. It is even further alleged that the accused Sonu Khan assaulted Punita Devi with lathi and danda and snatched silver chain of the value of 2500/- rupees from her.

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 there is case and counter case between the parties and both sides have injured in the present occurrence due to admitted land dispute



between the parties. He further submits that the injury report of the injured person namely Ranjeet Choudhary suggest that the injury is grievous in nature. He further submits that the petitioner is also injured in the same occurrence and on that case the informant who assaulted on the head of the petitioner has been granted anticipatory bail vide order dated 15.11.2022 passed in Cr. Misc. No. 38902 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.04.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Biraul P.S. Case No. 133 of 2021, 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 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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