

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42141 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- GOPALPUR District- Bhagalpur

PRITAM KUMAR S/O NIRANJAN YADAV R/O Village- Bhawanipur, P.S-
Rangra, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in connection with
Gopalpur (Rangra) P.S. Case No. 143 of 2023 registered for the
offences punishable under Sections 341, 323, 324, 326, 307, 379
of I.P.C.
3. As per prosecution case, co-accused Rupesh Yadav
stabbed knife in the stomach of the informant's cousin brother
and when the informant came to rescue him co-accused Rupesh
Yadav gave him knife blow on his left hand. It is further alleged
that Toto (E-rickshaw) driver snatched the chain from
informant's neck.
4. Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. During course of



investigation in para 6 and 7 of the case diary name of present petitioner has been transpired as he was the Toto driver and he was present on the spot at the time of occurrence as a member of unlawful assembly who has snatched the Chain from neck of informant. The petitioner is in custody since 14.02.2023. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. There is no specific allegation of stabbing knife against the petitioner. Specific allegation of stabbing knife is against co-accused Rupesh Yadav.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-I (Naugachia) Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 143 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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