

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40568 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- AKBARPUR District- Nawada

Shivbalak Prasad Son Of Late Munshi Mahto Village Srirampur P.S.-
Akbarpur District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 11.05.2023 in connection with Akbarpur P.S. Case No. 149 of 2022, F.I.R. dated 09.04.2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504, 506, 379 of IPC.

3. As per allegation, eight named accused persons including the petitioner, started harvesting wheat crops standing on the land of the informant. On protest, they badly assaulted and abused her. They also assaulted her son, Ranjit Kumar. Allegation against the petitioner is that he assaulted to Ranjit Kumar with Garasa on his head and other accused have also assaulted him.



4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the petitioner and in the 2nd part, there is specific and direct allegation against the petitioner that he assaulted to the son of the informant, namely, Ranjit Kumar. In fact the petitioner is son-in-law of the informant and due to land dispute, the present occurrence had taken place and the co-accused, namely, Reshmi Devi, who is mother-in-law of the petitioner, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 30.01.2023 passed in Cr. Misc. No.53109 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.05.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the injury report of the son of the informant suggests that the son of the informant had received four injuries and all the four injuries are grievous in nature caused by hard and blunt substance and apart from that the petitioner carries



one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 149 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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