

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46984 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- GORAUL District- Vaishali

CHHOTU @ ASHUTOSH KUMAR Son of Anil Kumar Resident of village -
Tejpurba, P.S. - Patepur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
28.04.2023 in connection with Goraul (Kathara O.P.) P.S. Case
No. 365 of 2022, F.I.R. dated 20.08.2022 for the offences
punishable under Sections 341, 323, 324, 307, 443, 447, 504,
506/34 of the Indian Penal Code and Section 25(1-b)a, 27 of the
Arms Act.

According to prosecution case, it is a case of
assaulting to the informant and his brother, as a result of which
they sustained injuries.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and petitioner has not



committed any offence as alleged in the F.I.R. He further submits that as per F.I.R. the allegation against the petitioner is that he has assaulted on the head of the informant with butt of the pistol and informant has received three injuries but the injury report of the informant suggest that injury no.1 is grievous in nature and injury no.2 and 3 are simple in nature. He further submits that similarly situated, co-accused, namely, Bipin Rai @ Prabhash Kumar @ Prabhas Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 11835 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 28.04.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one but fairly submits that petitioner is on bail in two cases out of three cases as stated in para-3 of the bail petition.

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 Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 365 of 2022 , 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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