

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49921 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- MOKAMAH District- Patna

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MUKESH KUMAR @ MUKESH RAI @ MUKESH YADAV SON OF
LATE ANANDI RAI R/O- MEKRA, BAJRANGBALI ASTHAN WARD
NO. 15, P.S.-MOKAMA, DISTT-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection
with Mokama P.S. Case No. 170 of 2023 registered under
Sections 341, 323, 307, 504 and 506/34 of the Indian Penal
Code lodged on 23.05.2023 by the informant, Laxmi Ram.

As per the prosecution story, the allegation is that the
accused persons had cut three trees of ‘*rosewood*’ and when the
informant tried to complain they became aggressive followed by
assault causing injuries to Shashi Rai, Rohit Rai as also one
Bhago Devi. Rohit was referred to NMCH for better treatment.
Accordingly, the FIR.

The submission of the petitioner is that there is case



and counter case relating to the said occurrence, omnibus allegation is there, the petitioner do not have criminal antecedent and is in custody since 24.05.2023 (as stated in paragraph-16 of the petition).

Learned APP for the State opposes the prayer for bail stating that earlier they cut the trees and thereafter, they assaulted.

Considering the fact that there is omnibus allegation of assault, there is case and counter case between the parties, has remained in custody since 24.05.2023 and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Barh, Patna in connection with Mokama P.S. Case No. 170 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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.

(Rajiv Roy, J)

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