

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50398 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- PUNPUN District- Patna

VIJAY KUMAR @ VIJAY YADAV Son of Lallu Yadav Resident of village -
Kewada, P.S. - Punpun, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is an accused in connection with Special Case No. 3988 of 2023 arising out of Punpun P.S. Case No. 139 of 2023 registered for the offences under sections 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code and section 37 of the Bihar Excise and Prohibition Act lodged on 04.05.2023 by the informant, Chandeshwar Sao.

As per the prosecution story, the allegation is that the accused persons surrounded and assaulted the petitioner causing head injury whereafter he was taken to Primary Hospital, Punpun followed by the FIR.

It is the contention of the learned Counsel for the petitioner that there is case and counter case, his being earlier to the present one, he was brutally assaulted, was in emergency



ward of PMCH, Patna on 04.05.2023 and discharged only on 08.05.2023. Even going by this case, there is omnibus allegation of assault against which the case of the petitioner is that he suffered head injury and after being discharged from PMCH was taken into custody on 08.05.2023 (as stated in paragraph 15 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that that informant was assaulted by all the accused persons.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also that there is case and counter case, he has suffered injury, remained in PMCH for four days, has already been in jail since 08.05.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Court of Special Judge, Excise Act, Patna in connection with Special Case No. 3988 of 2023 arising out of Punpun P.S. Case No. 139 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 for 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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