

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55627 of 2023**

Arising Out of PS. Case No.-616 Year-2022 Thana- JAHANABAD District-
Jehanabad

- =====
1. SANKET KUMAR S/O BINOD YADAV R/O VILLAGE- NONIYARICHAK, PS. KARAUNA (O.P.) DIST. JEHANABAD
 2. BINOD YADAV @ BINOD KUMAR S/O LATE MUKHLAL YADAV R/O VILLAGE- NONIYARICHAK, PS. KARAUNA (O.P.) DIST. JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar
For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Prem Ranjan Kumar, learned counsel for the

petitioners and Mr. Anil Kumar learned A.P.P. for the State.

After some arguments, learned counsel for the
petitioner seeks permission to withdraw this application with
respect to petitioner No.1, Sanket Kumar.

Accordingly, this application is dismissed as withdrawn
with respect to petitioner No. 1.

The petitioner apprehends his arrest in connection
with Town P.S. Case No. Jehanabad (Karuna O.P.) P.S. Case No. 616
of 2022 registered for the offence under Sections 341, 323, 324,
379, 354(B), 509 and 34 of the Indian Penal Code.

The petitioner along with others are alleged to have



assaulted the husband of the informant with lathi and danda causing him injury.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on the ground that the petitioner happens to be family member of the co-accused, Sanket Kumar who according to the F.I.R. inflicted Hasuli blow on the informant. He further submits that no specific allegation of assault is attributed to the petitioner rather the allegation of assault is attributed to the co-accused, Sanket Kumar. He further submits that there is case and counter case between the parties.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 A.C.J.M.-Jehanabad in connection with Jehanabad (Karuna O.P.) P.S. Case No. 616 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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