

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49738 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- BHORE District- Gopalganj

Surendra Khatik @ Surendra Prasad Son Of Ram Bachan Khatik Resident Of
Village - Motipur Nijamat, P.O. - Hamichaur, P.S. - Bhore, District -
Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
29.05.2023, in connection with Bhore P.S. Case No. 201 of 2023,
F.I.R. dated 08.05.2023 registered for the offences punishable
under Sections 341, 323, 324, 307, 504/34 of the Indian Penal
Code .

3. Allegation against the petitioner is that he
assaulted to the informant with *tangi* over his chest with an
intention to kill him.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and due



to admitted land dispute the present occurrence had taken place. He further submits that there is specific allegation against the petitioner that he assaulted the informant with *tangi* over his chest with an intention to kill him but the injury report of the informant namely Rajendra Khatik suggests that he has sustained three injuries, out of three injuries, only one injury caused by sharp weapon whereas injury nos. 2 and 3 are lacerated wound and all the injuries are simple in nature. The petitioner is in custody since 29.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Bhore P.S. No. 201 of 2023, 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



witness, 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 antecedents, 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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