

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49733 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- PUSA District- Samastipur

DEEPAK RAI S/O Late Yogendra Ray R/O Village- Bhushkaul Munda Tole,
P.S- Pusa, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, 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
02.06.2023, in connection with Pusa P.S. Case No. 60 of 2023,
F.I.R. dated 19.05.2023 registered for the offences punishable
under Sections 341, 342, 323, 504, 506, 307 of the Indian Penal
Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is of assaulting
the informant with the butt of the pistol on his ear causing blood
injury.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that from a bare perusal of
the F.I.R. it appears that F.I.R. is in two parts, in first part, there is



general and omnibus allegation against all the accused persons including the petitioner and in the second part, there is specific allegation against the petition that he assaulted the informant with the butt of the pistol but there is no injury report is available on record. He further submits that co-accused namely Shivam Kumar against whom the allegation of assault along with the petitioner has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 44012 of 2023. The petitioner is in custody since 02.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

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 Judicial Magistrate 1st Class, Samastipur in connection with Pusa P.S. Case No. 60 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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