

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54609 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- BIND District- Nalanda

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GANGA BIND SON OF RADHE BIND R/O-DARIYAPUR, P.S.-BIND,
DISTT.-NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection with Bind P.S. Case No. 34 of 2023 registered under Sections 341, 323, 307 and 504/34 of the Indian Penal Code lodged on 02.04.2023 by the informant, Sudhir Bind.

As per the prosecution story, there was a quarrel between the informant's son and son of his nephew in which the elder too came in and allegation against this petitioner as also his son is/are of assault by hands on the head of the informant causing serious head injury. Accordingly, the FIR

Learned counsel for the petitioner submits that though the name of the petitioner has also been dragged along with Rakesh Kumar, his son, who had assaulted the



informant, he do not have any role to play in it. He is an aged person and has already suffered by being in custody since 03.04.2023 (as stated in paragraph-9 of the petition).

Further submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned counsel for the informant opposes the prayer stating that he was also instrumental along with his son causing serious injuries to the informant. He has also drawn the attention of this Court to the case of his son which has been rejected vide order dated 17.08.2023 passed in Cr. Misc. No. 51746 of 2023.

Considering the fact that the allegation on the petitioner is more less similar to that of his son, However, he is an aged person, has remained in custody since 03.04.2023 (as stated in paragraph-9 of the petition) and is



ready to abide by all the terms and conditions, this Court is inclined to grant him privilege of bail, subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner.

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 Judicial Magistrate – 3rd, Nalanda at Biharsharif in connection with Bind P.S. Case No. 34 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 fortnight for next six months 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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