

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52744 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- MOKAMAH District- Patna

SUNIL KUMAR S/o Surmal Mahto Resident of Village-Barahpur, Bind Toli,
P.S.-Mokama, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is an accused in connection with Mokama P.S. Case No. 192 of 2023 registered for the offences under sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code lodged on 03.06.2023 by the informant, Jyoti Kumar.

As per the prosecution story, the informant alleged that some persons are assaulting his brother, when he came to his rescue, he was also assaulted. He has named the accused persons, the petitioner being one of them. Accordingly, the FIR.

Learned Counsel for the petitioner submits that omnibus allegation of assault is against him/his brother. Further, it is his categorical statement that in course of the investigation, no Injury Report has come. The last submission is that he is in



custody since 04.06.2023 (as stated in paragraph 9 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that allegation of assault is amongst other this petitioner.

Taking into account the submissions put forward by the learned Counsel for the petitioner, omnibus allegation is there against the petitioner, is in custody since 04.06.2023, do not have criminal antecedent, 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 Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-III, Barh, Patna in connection with Mokama P.S. Case No. 192 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 *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 bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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