

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56376 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Tarkeshwar Das Son Of Ram Sagar Das @ Sagar Das Resident Of Village -
Karim Nagar, P.S. - Mohiuddin Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mr. Surya Narayan Roy, learned counsel for

the petitioner and Mr. Ganesh Prasad Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mohiuddin Nagar P.S. Case No. 126 of 2023, F.I.R. dated 14.05.2023 for the offences punishable under Sections 341, 323, 324, 504, 506, 307, 379/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons have assaulted the informant and his mother due to some land dispute.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that due to admitted land dispute the present occurrence has taken place. He further submits that it appears from the F.I.R that there is specific allegation against the petitioner that he has assaulted the informant by means of iron rod on his head. He further submits that the allegation as alleged in the F.I.R is false and fabricated and no such report is available on record to suggest that the informant has received any head injury and the allegation is not supported by the medical evidence.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate 1st Class, Smastipur in connection with Mohiuddin Nagar P.S. Case No. 126 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. 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.

ii. 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.

iii. 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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