

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54042 of 2023

Arising Out of PS. Case No.-227 Year-2022 Thana- DESARI District- Vaishali

VISHAL KUMAR SON OF SANJEET DAS RESIDENT OF VILLAGE-
SAHDEI BUZURG, PS- DESARI DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Desari (Sahdei O.P.) P.S. Case No. 227 of 2022 registered under Sections 341, 323, 324, 379, 504 and 506/34 of the Indian Penal Code lodged on 02.06.2022 by the informant, Rajiv Kumar.

As per the prosecution story, while returning from shop, the accused persons intercepted, abused and upon opposition, assaulted with '*iron rod*' causing injuries. The allegation against the petitioner is of hitting him with '*iron rod*' on his head. This led to lodging of the FIR and subsequently, section 307 of the Indian Penal Code also added.

The case of the petitioner is that minor scuffle led to



the injured hitting the ground sustained injury which has been exaggerated by stating that he was hit by '*iron rod*'. Further the petitioner has suffered by being in custody since 15.06.2023. 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. 25,000/- 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 APP for the State opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner and the materials available on record, this Court is inclined to grant him privilege of bail.

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 ACJM-IX, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 227 of 2022, 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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