

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53001 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

SHANKAR DAS Son of Basu Harijan Resident of Village - Basaitha
Goradih, P.s.- Goradih, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 325, 379,
447, 504, 506/34 of the Indian Penal Code.

According to prosecution case, in brief, is that as per
the fardbayan of informant is that on 14.03.2021 in the evening
when he went to the shop of the petitioner for bringing
household things. When he reached to the shop of the petitioner
on Manita Devi said that Bhagirit Das (informant) has come,
kill him. On calling of Manita Devi the petitioner came with
Shaft (Khanti) and hit the informant on his head which lead to
injury and on hue and cry of them co-accused namely Birs



Harijan, Bablu Harijan came there and started beating with sticks (Lathi) and it is further said that one Shankar Harijan hit on right foot of informant as result his leg was broken and Bablu Harijan snatched Rs.1000 from his pocket.

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 as per allegation as alleged in the F.I.R. is that the petitioner assaulted the informant on his head by means of the iron rod but the injury report does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.05.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Court below where the case is pending in connection with Jagdishpur (Goradih) P.S. Case No. 113 of 2021, 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 witnesses, 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 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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