

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55009 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- HISUWA District- Nawada

Kaushal Kumar @ Kaushal Yadav Son Of Birendra Kumar @ Bijendra Yadav
Resident Of Village - Maula Nagar, P.S. - Hisua, District - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Hisua P.S. Case No.266 of 2023 instituted under Sections 147, 148, 149, 323, 341, 324, 325, 379, 354(B) and 307 lodged on 26.05.2023 by the informant Ram Kumar Sharma.

As per the prosecution story, the allegation is that there was a wedding of his daughter when the accused persons came, allegation against this petitioner is of assaulting the Bittu Sharma on his head. The further allegation is that other family members were also assaulted. This led to lodging of the FIR.

It is the case of the petitioner that there is case and counter case, the petitioner's side also suffered having been brutally assaulted by the informant's side which was due to the use of DJ on loud voice, which was objected. The further submission is that he is in custody since 28.06.2023 and do not



have criminal antecedent.

Learned APP opposes the prayer for bail stating that he had assaulted on the head of Bittu Sharma.

Considering the fact that petitioner is 19 years of age, do not have criminal antecedent, there is case and counter case, is in custody since 28.06.2023, this Court is inclined to grant him privilege of bail but only after framing of the charges.

Let the petitioner be released on bail only after framing of the charges on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Hisua P.S. Case No.266 of 2023 to the satisfaction of learned A.C.J.M.,Vith, Nawada, subject to 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 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 the 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)

Prakash Narayan

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