

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54285 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- JALE District- Darbhanga

Ajit Sahni Son of Gulab Sahani R/V- Rampur Pachasi, PS- Pupari, Dist-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
	:	Mr. Mithilesh Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 457, 302 and
504/34 of the Indian Penal Code.

According to prosecution case, on the occasion of
marriage ceremony, there had been some altercation on playing
of music by two sides. It is alleged that the accused persons
including the petitioner arrived at the informant's house and
abused him and also assaulted his son namely, Nitesh Kumar



with iron rod on his head due to which he sustained injuries.

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 it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is specific allegation against the co-accused person, namely, Manjit Kumar who assaulted on the head of Nitesh Kumar son of the informant. He further submits that there is no specific allegation of any assault againsts the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Raja Sahni @ Rahul Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.09.2022 passed in Cr. Misc. No. 36877 of 2022. The petitioner is in custody since 04.06.2022.

The learned Additional Public Prosecutor 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 Jalley P.S.

Case No. 40 of 2022, 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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