

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60268 of 2023**

Arising Out of PS. Case No.-147 Year-2021 Thana- MORKAHI District-
Khagaria

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VIKASH KUMAR @ BINKESH KUMAR SON OF JAGNARAYAN PRASAD
SINGH RESIDENT OF VILLAGE - MARAR, P.S. - MORKAHI, DISTRICT -
KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shruti Sinha

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mrs. Shruti Singha, learned counsel for the
petitioner and Mr. Satya Nand Shukla, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Morkahi P.S. Case No. 147 of 2021 dated 14.12.2021
registered for the offence under Sections 341, 342, 323, 307, 379,
504, 506 and 34 of the Indian Penal Code.

The petitioner along with others are alleged to have
assaulted the informant with iron rod causing him head injury.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits



that it appears from the F.I.R. that the present occurrence took place on account of sale of a piece of land. He further submits that there is case and counter case between the parties. He further submits that although according to the F.I.R, the petitioner is alleged to have assaulted the informant on his head by way of iron rod, but the injury report suggest that the injury sustained by the informant is simple in nature. He further submits the informant side has also assaulted the petitioner side in which one of the co-accused has sustained grievous injury.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Judicial Magistrate, Khagaria in connection with Morkahi P.S. Case No. 147 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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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