

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57251 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- BIHPUR District- Bhagalpur

PRINCE KUMAR @ PRINCE KUNWAR S/O NANDLAL KUMAR R/O
VILLAGE AND P.O- SONBARSHA, P.S- BIHPUR, DISTT.-
BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hansh Raj, Adv. Mr. Shashi Saurabh, Adv. Mr. Puja Kumari, Adv.
For the Opposite Party/s :		Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and Mrs.
Suman Kumari Singh, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bihpur P.S. Case No. 57 of 2023 dated 07.02.2023 registered
for the offence under Sections 341, 323, 324, 307, 504, 506
of the Indian Penal Code. Initially F.I.R. has been lodged
under Sections 307/34 of the Indian Penal Code and Section
27 of the Arms Act.

The petitioner is alleged to have assaulted the son
of the informant by means of Axe at his neck and also tied
his hands and legs and loaded him on mare and took him to
Kargil Diyara where the petitioner along with other also



assaulted him repeatedly with axe causing him deadly injury.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no eye witness to the alleged occurrence even the informant has not seen the alleged occurrence. 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 the statement of the victim has been recorded under Section 161 Cr.P.C. in which he has not supported the full version of the F.I.R. He further submits that although the victim has stated that the petitioner has assaulted him on his neck with Farsa causing him injury but the injury report does not contain the nature of injury. He further submits that there was no intention to kill the victim and no repetition of blow is recorded in the injury report. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.02.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is



specific allegation of assault by means of farsa attributed against the petitioner and the injury report also support the allegation as alleged in the F.I.R. He further submits that petitioner carries one more case other than the present one but he fairly submits that the petitioner is on bail in the pending case.

Considering the facts and circumstances of the case, let the, above named, petitioner 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-1st Class, Naugachia in connection with Bihpur P.S. Case No. 57 of 2023 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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