

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58745 of 2023**

Arising Out of PS. Case No.-70 Year-2022 Thana- MANJHAGARH District- Gopalganj

Ashok Sahani S/O- Ramshrey Sahani R/O- Village- Mangurha, P.S.-
Manjhagarh, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend arrest in connection with
Manjhagarh P.S. Case No. 70 of 2022 dated 07.03.2022
instituted for the offence punishable under Sections 341, 323,
324, 307, 504/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
06.03.2022 at about 08.00 pm, the petitioner along with other
co-accused persons came to the house of the informant and took
away him to the Koini Dhamai bridge on the pretext of quarrel
took place at Koini Dhamai bridge by the son of the informant.
At Koini bridge, the petitioner caught the hand of the informant
and Upendra Yadav pointed *Katta* on him whereas Sumit Singh
assaulted him on his neck by knife due to which the informant
sustained serious injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the only allegation against the petitioner is that he had caught the hand of the informant. Learned counsel for the petitioner further submits that similarly situated co-accused, namely, Sumit Singh @ Sumit Kumar Singh has been granted bail vide order dated 28.11.2022 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 41777 of 2022. Lastly, it has been submitted that petitioner has three criminal cases against them.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Manjhagargh P.S. Case No. 70 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-



I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

