

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58797 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- CHAPRA TOWN District- Saran

SUNIL KUMAR S/O LAL BABU MAHTO VILLAGE/MOHALLA-
SAHEBGANJ CHIKTOLI, PS- CHAPRA TOWN, DIST- SARAN AT
CHAPRA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Chapra Town P.S. Case No. 374 of 2023 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code lodged on 06.05.2023 by the informant, Md. Muskhi @ Sahid Raza.

As per the prosecution story, the allegation is that the accused persons firstly made comment when they were crossing their village and later surrounded and assaulted severely. The allegation is against amongst other this petitioner is of giving knife blow to Md. Saif causing injury. Firstly, he moved to Sadar Hospital, Chapra and then to PMCH, Patna.



Learned counsel for the petitioner submits that though the informant for oblique reasons has named him as accused who has give knife blow to Md. Saif, a bare perusal of the of learned Sessions' Judge order shows that as per the case diary, Md. Saif has stated that due to darkness, he could not see who assaulted him. It is his further submission that nowhere in the FIR, it has been incorporated which part of the body was injured due to assault allegedly made by the petitioner.

Learned APP for the State opposes the prayer for bail stating that allegation is thereof assaulting Md. Saif.

Taking into account the submission put forward by the learned counsel for the parties, it is actually not clear where the alleged assault was made, Md. Saif, as observed by the order of learned Sessions during his statement not named anyone, he has no criminal antecedent and is in custody since 07.05.2023 (as stated in paragraph-4 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No. 374 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her 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 his 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)

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