

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62016 of 2023

Arising Out of PS. Case No.-815 Year-2023 Thana- TURKAULIYA District- East
Champaran

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MITHLESH KUMAR S/O RAMAYAN BHAGAT R/O VILLAGE-
CHAILAHA PAKADIYA, P.S- BANJARIYA, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
24.07.2023 in connection with Turkauliya (Banjariya) P.S. Case
No. 815 of 2023, F.I.R. dated 20.07.2023 for the offences
punishable under Sections 147, 148, 341,323, 324, 307, 379,
504 and 506 of the Indian Penal Code.

3. According to prosecution case, the informant alleges
that his motorcycle was stolen by some unknown person and
while he was searching for his stolen motorcycle, he was
assaulted by 14 unknown persons armed with lathi and knife
causing injury in his head and they also assaulted the
informant's brother.



4. 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 as per the allegation in the FIR, the petitioner has assaulted the informant and his brother but the injury report of the informant and his brother suggest that although they have received the injury but both the injuries are simple in nature and caused by the hard and blunt substance and the petitioner is in judicial custody since 24.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Turkauliya (Banjariya) P.S. Case No. 815 of 2023, 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)

Adnan/-

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