

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68455 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- UPHARA District- Aurangabad

Rahul Kumar, Son of Arjun Paswan, Resident of Village - Shankardih, P.S.-
Uphara, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 Matters are being taken up through virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Upahara
P.S. Case No.58 of 2022 registered for the offence punishable
under Section 394/34 of the Indian Penal Code.

As per prosecution case, when the informant with his
brother and sister were coming on motorcycle after treatment.
They have been assaulted by 3-4 persons, who have accosted
and encircled them, whereafter they have somehow managed to
flee. The informant has sustained injuries as one of the four
persons threw a bamboo stick when the informant was
accelerating his motorcycle to flee.

The learned counsel for the petitioner submits that the



FIR is false, which is evident from the delay of nearly 3 days in lodging of the case. There is no recovery of any incriminating material from the petitioner. The petitioner is resident of nearby village and based on extraneous considerations, he has been made an accused. The petitioner is stated to be in custody since 06.07.2022 and has no criminal antecedents. Even the alleged injury sustained by the informant is simple in nature.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the nature of accusations, petitioner's clean antecedents, the period of custody and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 S.D.J.M., Daudnagar, Aurangabad, in connection with Upahara P.S. Case No.58 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who



will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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