

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60478 of 2022

Arising Out of PS. Case No.-162 Year-2020 Thana- GHOSI District- Jehanabad

Rakesh Kumar, Son of Late Amirak Prasad, R/v- Naima Kathar Par, P.S-
Ghosi (Onkari) Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Vinod Pandey, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Ghosi P.S. Case No.162 of 2020, giving rise to
S.Tr. No. 612 of 2022, registered for the offences punishable
under Sections 354, 307, 379, 504, 506/34 of the Indian Penal
Code.

The prosecution case is based on the written report of
the informant alleging therein that in course of playing with the
children of the village some altercation took place amongst
them, whereupon one Piyush Kumar assaulted, the son of the



informant. It is further alleged that when the informant went to complain to the petitioner, then he started abusing and when the same was protested, the petitioner and other co-accused persons assaulted the informant and other family members by means of Lathi and Danda. It is specifically alleged that the petitioner assaulted the informant over his head, due to which he sustained head injury. The petitioner also assaulted the daughters of the informant.

Learned counsel appearing on behalf of the petitioner submits that *prima facie* from the F.I.R. it is evident that the dispute arose on account of trifling matter and, in fact, a free fight has taken place between the parties, which resulted into the injuries to the persons of both sides. He further submits that so far the injuries sustained on the informant and his daughters are concerned, all are simple in nature, save and except one injury sustained to the informant Suresh Prasad, whose left forehead has been found to be fractured. He further submits that though the allegation has been levelled against the petitioner of assaulting the informant and his family members with Lathi and Danda, but most of the injuries have been found to be incised, which also falsifies the prosecution case, apart from the fact that the injury reports have been prepared before the institution of



the F.I.R. He next submits that the charges have already been framed on 27.09.2022, thereafter there is no substantive progress in the trial and the petitioner is in custody since 22.07.2022, however, he is ready to give undertaking that he will fully cooperate in the trial and will remain present in the Court.

On the other hand learned APP for the State opposes the bail application and submits that this petitioner had assaulted all the family members causing injuries on the vital parts.

Regard being had to the submissions made on behalf of the parties and considering the nature of injuries and the fact that the charges have already been framed on 27.09.2022, thereafter there is no progress in the trial and the petitioner having man of fair antecedent is in custody since 22.07.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Jehanabad in connection with Ghosi P.S. Case No.162 of 2020, giving rise to S.Tr. No. 612 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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