

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66034 of 2023**

Arising Out of PS. Case No.-64 Year-2023 Thana- BALIGAON
District- Vaishali

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PANKAJ KUMAR S/O OF RAJENDRA SINGH VILLAGE- ALINAGAR
LEVDHAN, PS- BALIGAON, DIST- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 01-11-2023 Heard Mr. Rajeev Ranjan, learned counsel for the

petitioner and Mr. Satya Nand Shukla, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with Baligaon P.S. No. 64 of 2023 registered for the offence
under Sections 341, 323, 504, 506, 448, 324, 325, 354(B),
379/34 of the Indian Penal Code.

The petitioner is alleged to have assaulted the
husband of the informant with iron rod due to which his
nose got fractured and in the meantime, another co-accused
opened firing in the air threatening them for dire
consequence.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 16.04.2023 whereas the instant F.I.R. has been lodged on 04.06.2023 after more than one month and 18 days without any explanation. He further submits that in fact the petitioner was married to the niece of the informant and he had filed an application for restitution of conjugal rights bearing No. 63 of 2022 before the learned Principal Judge, Samastipur for that reason the petitioner has falsely been implicated in this case. He further submits that the injury report suggest that the injury sustained by the informant is simple in nature and even not caused by the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has caught hold the legs of the daughter of the informant and committed obscene activities with the daughter of the informant.



Considering the facts and circumstances of the case and the fact that the petitioner has clean antecedent and there is no specific allegation of assault attributed against the petitioner, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 64 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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