

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66764 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- SAHARSA SADAR District- Saharsa

SHIVAM KUMAR @ KHOKHA son of Arundeo Yadav Village- Simari
W.No-9, Ps- Simari Bakhtiyarpur Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-12-2023 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary as well as injury report.

2. The petitioner seeks bail in connection with Saharsa
Sadar (S. Kachari) P.S. case No. 253 of 2023 instituted for the
offences under Sections 341, 323, 307, 324, 354B, 379, 386,
384, 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner along
with other co-accused persons having armed with weapons
assaulted the son of the informant. Further, the allegation
against this petitioner is that he assaulted Dipesh @ Amita with
kachiya made of iron, as a result of which he received cut injury
on his neck.

4. It has been submitted on behalf of the petitioner that



the petitioner is in custody since 03.06.2023 and has one criminal antecedent in which he is on bail. The petitioner has falsely been implicated in the present case. He further submitted that injury was caused to the one Dipesh @ Amita but no injury was found over the neck as per the injury report. He further submitted that the informant and petitioner are *gotia* and the mother of this petitioner had already filed a counter-case against the informant and others.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, perusing the injury report as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar (S. Kachari) P.S. case No. 253 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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