

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66405 of 2022

Arising Out of PS. Case No.-1024 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

MAHAVIR KUMAR Son of Beni Ray R/V- Ahiyapur Chauk, P.S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 20.07.2022, in connection with Ahiyapur P.S. Case No. 1024 of 2019, F.I.R. dated 23.08.2019, for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner is alleged to have assaulted the informant on his chest, back and stomach by means of knife.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted financial dispute between the parties and both the parties are agnates. He further



submits that the allegation as alleged in the F.I.R. is false and fabricated and the injury report of the informant does not support the allegation as alleged in the F.I.R. He further submits that the present occurrence took place on 15.08.2019 but the F.I.R. has been instituted on 23.08.2019, after delay of about 8 days, without giving any explanation of delay. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.07.2022.

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

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 C.J.M., Muzaffarpur, in connection with Ahiyapur P.S. Case No.1024 of 2019, 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)

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