

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71115 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- NAUTAN District- West Champaran

Mohan Patel @ Mohan Kumar Patel @ Mohan Prasad Son Of Late Shiv
Resident Of Village - Sansaraiya, Police Station - Bettiah Muffasil, District -
West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Senior Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For the Informant	:	Mr. Adityanath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Rakesh Kumar Sharma, learned senior
counsel for the petitioner, Mr. Adityanath Jha, learned counsel
appearing on behalf of the informant as well as Mr. Anil Kumar
Jha, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Nautan P.S. Case No. 135 of 2023, F.I.R. dated
17.04.2023 for the offences punishable under Sections 147, 149,
307, 302 and 120(B) of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including the petitioner have assaulted the son of the
informant by means of iron rod due to which he sustained
severe injuries resulting into his death.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present 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 offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and in fact, the informant is not the eye witness of the alleged occurrence.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner that it has come during investigation that the petitioner was actively involved in the present crime in question. He further submits that during investigation number of persons have supported the case of the prosecution and some of them are eye witness of the alleged occurrence. They further submits that apart from the aforesaid, the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Sub Divisional Judicial Magistrate, West Champaran at Bettiah in connection with Nautan P.S. Case No. 135 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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