

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69875 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- NAWADA MUFFASIL District- Nawada

RAJNESH KUMAR S/o Bimlesh Yadav R/v- Asarhi Lakshmipur, P.S.-
Muffasil, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nitya Nand Neeraj, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, A.P.P.
For the Informant	:	Mr. Krishna Deo Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 307, 302 of the Indian Penal Code.

According to prosecution case, the informant Rinku Devi alleging therein that on 12.01.2022 at about 04.00 P.M. while some halla was held near the Samudiyak Bhawan at Biso Yadav Dalan, after heard sound her husband went there and the informant also went there. It is further alleged that all the F.I.R. named accused persons including the petitioner having lathi garasa, rod, bricks bating in his hand came there and caught



hold her husband and all the accused persons assaulted him, in the meantime, her brother-in-law (Devar) Upendra Kumar came for save his brother then Rakesh Kumar and petitioner has assaulted her Devar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the F.I.R. in two parts, in first part there is specific allegation against co-accused persons namely, Rajaram Yadav @ Rajdeo Yadav and Munni Lal Yadav and others who assaulted by means of Farsa and other weapons upon the husband of the informant and in the second part, there is allegation against the petitioner and other co-accused persons assaulted the brother-in-law of the informant namely, Upendra Kumar in his hand and the doctor has examined the brother-in-law of the informant namely, Upendra Kumar and doctor has found that the injury is simple in nature caused by the hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.09.2022.

The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State



have vehemently opposed the prayer for bail of the petitioner and submits that the bail application of two co-accused persons namely, Rajaram Yadav @ Rajdeo Yadav and Munni Lal Yadav have been rejected vide order dated 06.01.2023 and 27.02.2023 passed in Cr. Misc. No. 58395 of 2022 and Cr. Misc. No. 55701 of 2022 but learned counsel for the State fairly submits that the case of the petitioner is on different footing.

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 Court below where the case is pending in connection with Muffasil P.S. Case No. 08 of 2022, 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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