

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68491 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- KHARIK District- Bhagalpur

JYOTISH KUMAR S/o Billu Mandal @ Bilash Mandal @ Bilash Singh R/v-
Nayatola Bhawanpura, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 09.02.2022 in connection with S.Tr.No.30 of 2022 arising out of Kharik P.S. Case No. 232 of 2021, F.I.R. dated 13.10.2021 registered for the offence punishable under Sections 341, 323, 186, 188, 307, 325, 333, 353, 427, 504, 506 of IPC.

The prosecution case, in short, is that on 13.10.2021 while the petitioner was in judicial custody he asked for Tobacco from the police persons who were on duty but the police persons refused to provide him Tobacco. On refusal to provide him Tobacco, the petitioner became aggressive and started abusing the police personnel. He also entered into altercation alongwith the police personnel. In the said



altercation he bite on the shoulder of two police personnel. While the petitioner was taken to the Primary Health Centre, for treatment, in the way he pressed the hydrocele of informant.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the injury report of the victim suggests that the injury is simple in nature and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and period of custody, 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 learned 2nd Additional Sessions Judge, Naugachia, Bhagalpur in connection with S.Tr.No.30 of 2022 arising out of Kharik P.S. Case No. 232 of 2021, 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 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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