

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69631 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- MOKAMAH District- Patna

1. KANHAIYA KUMAR @ CHUHWAS/o Sri Ajay Singh @ Ajay Kumar R/o Village- Tarbanna Tola, Ward no. 11, P.S.- Mokama, Distt- Patna.
2. Mitthu Kumar @ Ayush Kumar S/o Sri Ajay Singh @ Ajay Kumar R/o Village- Tarbanna Tola, Ward no. 11, P.S.- Mokama, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 11.07.2022, in connection with Mokama P.S. Case No.205/2022, F.I.R. dated 10.07.2022, registered for the offences punishable under Sections 341, 323, 324, 307, 506 and 34 of the I.P.C.

According to prosecution case, the petitioner no.2, namely, Mitthu Kumar @ Ayush Kumar is said to have inflicted Hasuli blow upon the informant with intention to kill him causing injury on his cheek.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no



allegation of any assault or overt attributed against the petitioner no.1, namely, Kanhaiya Kumar @ Chuhwa. The specific allegation of assault is against the petitioner no.2, namely, Mitthu Kumar @ Ayush Kumar. The allegation as alleged in the F.I.R. against the petitioner no.2 is that he has inflicted sharp edged *Hasuli* upon the informant with intention to kill him. Learned counsel for the petitioner further submits that due to some dispute the present occurrence has taken place and there was no intention to kill the informant. He further submits that the injury report of the informant suggests that nature of injury is grievous weapon sharp cutting weapon and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 11.07.2022.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.1 carried one antecedent and the petitioner no.2 carried two criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Chief Judicial Magistrate,



Barh, Patna, in connection with Mokama P.S. Case No. 205/2022,
subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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