

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68673 of 2022

Arising Out of PS. Case No.-342 Year-2022 Thana- PHULPARAS District- Madhubani

Kanhaiya Thakur @ Kanhaiya Kumar S/O Sheshnath Thakur Resident of
village- Siswar, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.07.2022 in connection with Phulparas P.S. Case No. 342 of
2022, F.I.R. dated 18.07.2022 for the offences punishable under
Sections 448, 341, 323, 324, 307, 354(B), 379, 504/34 of the
Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons entered into the courtyard of the
informant and assaulted the informant and his family members
including his son and daughter-in-law. It is further stated that by
means of *tengari*, the petitioner assaulted the son of the



informant due to which he sustained grievous injury.

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. itself that due to admitted land dispute, the present occurrence took place and there is case and counter case between the parties and they are agnate. He further submits that it also appears from the F.I.R. that the allegation against the petitioner is that he assaulted with the *tengari* to Ram Udgar Thakur who is son of the informant and he sustained injury. He further submits that the injury report of Ram Udgar Thakur suggests that the injury is caused by hard and semi sharp object and it is greivous in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.07.2022.

The learned Additional Public Prosecutor 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 Additional Chief Judicial Magistrate-II, Jhanjharpur in



connection with Phulparas P.S. Case No. 342 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)

Vanisha/-

U		T	
---	--	---	--

