

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74002 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- TURKAULIYA District- East
Champaran

Ammu Kumar Singh son of Sanjay Kumar singh Village- Tikuliya Ps-
Paharpur Dist- East Champaran Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and Mr. Shyameshwar Dayal, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Turkauliya (Raghunathpur) P.S. Case No. 387 of 2022, F.I.R. dated 28.04.2022 for the offences punishable under Sections 147, 341, 342, 323, 324, 307, 327, 384, 386, 325, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have assaulted the informant due to non fulfillment of demand of Rangdari.

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 it appears from the F.I.R that there is no specific allegation of any assault or overt act attributed against the petitioner and the allegation of assault is attributed against the co-accused, namely, Anku Tiwari who



gave knife blow upon the informant and the all the accused persons including the petitioner have assaulted the informant. He further submits that it appears from injury report of the informant that although he has received 8 injuries, but all the injuries are simple in nature and injury nos. 1 to 7 are caused by hard and blunt substance and injury no. 8 is caused by sharp edged substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act attributed against the petitioner, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Raghunathpur) P.S. Case No. 387 of 2022, 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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