

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71665 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- DARPA District- East Champaran

RAJAN PRASAD KUSHWAHA S/o Late Virendra Mahato R/o Village-
Bhatnahiya, P.S.- Darpa, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner, learned
counsel for 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, 324,
325, 307, 379, 387, 504, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, it is a case of assault
upon the informant and others, causing injury to them by the
petitioner and other co-accused persons and also co-accused
snatched Rs.2500/- from the pocket of the cousin of the
informant.

Learned counsel for the petitioner submits that the
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 against the petitioner. Allegation against the petitioner is that petitioner is an order giver. He further submits that the allegation of assault is attributed against co-accused persons namely, Shashi Kapoor Kushwaha, Shami Kapoor and Ramesh Mahto, who have been granted anticipatory bail vide order dated 01.12.2022 passed in Cr. Misc. No.49044 of 2022, other co-accused namely, Saroj Prasad Yadav has been granted bail vide order dated 12.10.2022 passed in Cr. Misc. No.40417 of 2022, other co-accused persons, namely, Rahul Kumar @ Tej Prakash Kumar and Suresh Mahto have been granted anticipatory bail vide order dated 25.01.2023 passed in Cr. Misc. No. 53153 of 2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.10.2022.

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

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 Darpa P.S. Case No. 51 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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