

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72181 of 2022

Arising Out of PS. Case No.-603 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Dilip Das @ Nanhak Das Son Of Shyambali Das R/O Vill.- Sumera, P.S.-
Makhdumpur (Tehta O.P.), Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.10.2022 in connection with Mukhadumpur (Tehta O.P.) P.S.
Case No. 603 of 2022, F.I.R. dated 08.09.2022 for the offences
punishable under Sections 341, 323, 325, 307, 379, 504, 506/34
of the Indian Penal Code.

According to prosecution case, on 07.09.2022, the
wife and Bhabhu of the informant were sitting at their house, in
the meantime, the petitioner Dilip Das besides co-accused
Kaushal Kishore Das, Baby Kumari reached there and abused
them. On being objected, they assaulted to his wife. On raising
alarm, the informant and his brother Lalu Das went there and on
their objection, co-accused Shyam Bali Das along with the



petitioner Dilip Das and wife Kaushal Kishore Das and his wife, Sonam Kumari, holding lathi, danda and rod assaulted them. The petitioner Dilip Das assaulted with lathi on the head of informant causing head injury co-accused Kaushal Kishore Das assaulted with iron rod to his wife, Bhabhi and other bleeding head injury. Co-accused Shyam Bali Das dashed his wife down on the ground catching hold her hair, co-accused Baby Kumari snatched golden locket of his wife and wife of Kaushal Kishore Das snatched golden Jitiya of his Bhabhi. It is further alleged that the petitioner Dilip Das assaulted with fist on the mouth of Lallu Das, as a result of which his one tooth broken.

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 the allegation as alleged in the F.I.R. is against the petitioner that he has assaulted by lathi on the head of the informant but the injury report of the informant suggest that the injury is simple in nature caused by hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.10.2022.

The learned Additional Public Prosecutor for the State



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-IV, Jehanabad in connection with Makhdumpur P.S. Case No. 603 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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