

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73946 of 2023

Arising Out of PS. Case No.-818 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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AJIT KUMAR SINGH @ MUNNA S/o Mithlesh Kumar R/o village-
Madrauni, P.S. Rangra, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan
For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Kotwali P.S. Case No. 818 of 2023 registered for the

offences punishable under Sections 341, 323, 324, 307,

506, 379, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to

have assaulted the informant by means of knife and

other weapon as a result of which the informant

sustained injury on head. It is also alleged that

informant's father sustained injury on the lip and finger



of right hand. It is also alleged that informant's chain was also snatched.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the FIR. There is case and counter case between both the parties on same date of occurrence. He further submits that petitioner is elected Mukhiya of Madroni Gram Panchayat and informant's father was also candidate of Mukhiya of same Panchayat and on account of the political rivalry, the petitioner has been falsely implicated in the present case. He further submits that as per allegation of FIR, the petitioner assaulted by means of knife on the head of informant but the nature of injury is simple, caused by hard and blunt substance, which is totally inconsistent with the allegation made in the FIR. Petitioner is in custody since 06.09.2023. Petitioner bears criminal antecedent of two cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence. He further submits that in the light of given facts and circumstances of the case, no case is made out against the petitioner under Section 307 of the I.P.C. and allegation of Section 379 of the IPC is ornamental in nature. Basically, no offence is made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-III, Naugachhia/concerned court in connection with Kotwali P.S. Case No. 818 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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