

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8340 of 2023**

Arising Out of PS. Case No.-261 Year-2021 Thana- KAUWAKOL District- Nawada

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Ratneshwar Prasad @ Ratnesh Prasad Son of Sri Jay Karn Prasad R/o-
Badraji, Golabazar Kharsari, Thana - Kauwakol, Distt.- Nawada (Bihar), Pin
Code - 805106 bearing Aadhaar No.- 231886393915

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-07-2023 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
21.11.2022 in connection with Kauwakol P.S. Case No. 261 of
2021, F.I.R. dated 16.07.2021 for the offences punishable under
Sections 341, 323, 308, 354A, 379, 504, 506/34 of the Indian
Penal Code.

According to prosecution case, this petitioner has
assaulted the husband of the informant with axe on his head, as



a result of which he sustained multiple injuries.

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 as per the allegation in the F.I.R., the petitioner has assaulted to the husband of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the injury report of the injured person suggests that out of 5 injuries, 2 injuries is grievous in nature and 3 injuries is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that co-accused, namely, Navin Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 20.07.2022 passed in Cr. Misc. No. 72559 of 2021. The petitioner is in custody since 21.11.2022.

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 IV, Nawada in connection with Kauwakol P.S. Case No. 261 of 2021, 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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