

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9289 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- BIND District- Nalanda

RAKESH KUMAR SON OF GANGA BIND RESIDENT OF VILLAGE -
DARIYAPUR, P.S. - BIND, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-04-2024 Heard Mr. Raj Kishore Prasad, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Bind P.S. Case No. 34 of 2023 for the offence under sections 341, 323, 307, and 504/34 of the Indian Penal Code lodged on 02.04.2023 by the informant, Sudhir Bind.

3. Earlier the petitioner had moved before this Court for grant of anticipatory bail in Cr. Misc. No. 51746 of 2023 which was rejected vide an order dated 17.8.2023.

4. As per the prosecution story, there was a quarrel between the informant's son and son of his nephew in which the elders too came in and allegation against this petitioner is of assault by hands on the head of the informant causing serious head injury. Accordingly, the F.I.R.



5. Learned counsel for the petitioner reiterates that only use of hands were taken and no weapon was used.

6. Learned APP opposes the prayer.

7. Taking into account the fact that the petitioner has remained in custody for more than a year (3.4.2023 para-4 of the petition), do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-III, Nalanda at Biharsharif, in connection with Bind P.S. Case No. 34/2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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