

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15596 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- ATHMALGOLA District- Patna

Dhiraj Singh Chauhan @ Dhiraj Kumar S/o Vashishth Narayan Singh R/o vill
- Rupas tola, Din Dayal Singh, P.S. - Athmalgola, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar, Advocate
For the State	:	Md. Fahimuddin, APP
For the Informant	:	Mr. Manoj Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Suraj Kumar, learned counsel for the petitioner, Mr. Manoj Kumar Pandey, learned counsel for the informant as well as Md. Fahimuddin, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Athmalgola P.S. Case No. 405 of 2022, F.I.R. dated 11.12.2023 for the offences punishable under Sections 341, 323, 324, 307, 379, 427, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons are said to have assaulted the informant with *lathi, danda* and *pistol*.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that there is specific allegation attributed against the petitioner that he has assaulted the cousin (brother) of the informant. He further submits that although cousin (brother) of the informant received four injuries but the injury report of the injured person suggests that the injuries are simple in nature.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is specific allegation of assault is attributed against the petitioner and apart from that the petitioner carries one case other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 S.D.J.M., Barh, Patna in connection with Athmalgola P.S. Case No. 405 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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