

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14745 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- WAJIRGANJ District- Gaya

Sikandar Kumar son of Late Gopal Singh Village- Karjara Po- Manjhauri Ps-
Wazirganj Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amritya Raj, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Amritya Raf, learned counsel for the
petitioner and Mr. Atul Chandra, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Wazirganj P.S. Case No. 298 of 2023, F.I.R.
dated 24.05.2023 for the offences punishable under Sections
341, 323, 379, 504/34 of the Indian Penal Code.

3. According to prosecution case, due to some land
disputes this petitioner has assaulted the informant and his wife
and also snatched gold locket from the neck of informant and
his wife.

4. 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
present case is the counter blast of Wazirganj P.S. Case No. 295



of 2023 which was filed by the petitioner side against the informant and the present F.I.R is instituted by the informant only to save his skin from Wazirganj P.S. Case No. 295 of 2023. He further submits that it appears from the F.I.R that due to admitted land dispute the present occurrence took place and the date of occurrence as alleged in the F.I.R is 22.05.2023 but the present F.I.R has been instituted on 24.05.2023 i.e. after delay of 2 days without giving any explanation of the said delay. He further submits that there is specific allegation of assault against the petitioner that he has assaulted the informant and his wife but there is no injury report available on record which suggests that the informant or his wife have received any injuries.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is case and counter case and there is admitted land dispute between the parties, 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 Sessions



Judge, Gaya in connection with Wazirganj P.S. Case No. 298 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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