

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15091 of 2024

Arising Out of PS. Case No.-665 Year-2023 Thana- KHARHAGPUR District- Munger

Abhinav Jha @ Monu S/o Vijay Shankar Jha, R/o village - Purani Chowk,
Kharagpur, P.S. - Kharagpur, Distt. - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Sr. Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Shivendra Kumar Sinha, the learned senior counsel for the petitioner, the learned counsel for the informant and Mr. Yogendra Kumar Singh, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kharagpur PS Case No. 665 of 2023, FIR dated 21.11.2023, registered for the offences punishable under Sections 341, 323, 307, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner assaulted on the head of the informant with *Katta* causing head injury and one Ashish Jha also assaulted on the head of the informant by means of *khanti*. It is further alleged that the father of the petitioner along with other co-accused persons assaulted



the informant and his brother.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and as per the allegation levelled in the FIR, the petitioner has assaulted on the head of the informant with *katta* and the informant has received head injury. He further submits that there is case and counter case between the parties and both the parties are agnates. He lastly submits that although the informant has received injury, but the injury report of the informant suggests that the injury is simple in nature.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has assaulted on the head of the informant with *katta* and the informant has also received injury and the petitioner has assaulted on the vital body part of the informant.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, both the parties are agnates and there is case and counter-case between them and the injury report of the informant suggests that injury



is simple in nature, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Munger, where the case is pending in connection with **Kharagpur PS Case No. 665 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 learned trial Court.

(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 learned trial 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 learned trial Court 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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