

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14741 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- GHORASAHAN District- East
Champaran

Kawal Mukhiya Son of Bachu Mukhiya R/o Village- Bagha Bintoli, P.S.-
Ghorasahan, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Alka Singh, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mrs. Alka Singh, learned counsel for the

petitioner and Mr. Nand Kishore Prasad, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Ghorasahan P.S. Case No. 326 of 2023, F.I.R.
dated 08.06.2023 registered for the offences punishable under
Sections 147, 341, 323, 324, 307, 379, 504, 506 of the Indian
Penal Code.

3. Allegation against the petitioner is of assaulting the
informant with iron rod due to which he sustained injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and as per allegation in the F.I.R. the petitioner assaulted to the informant with iron rod and although the informant has received injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and there is direct and specific allegation that he assaulted to the informant with iron rod and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Sikrahana at Dhaka, District- East Champaran, Motihari in connection with Ghorasahan P.S. Case No. 326 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with



other 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 witness, 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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