

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20507 of 2024

Arising Out of PS. Case No.-455 Year-2023 Thana- MASHRAK District- Saran

Dilip Kumar @ Dilip Prasad S/o Saryug Prasad R/o Mashrakh Station Road,
P.S. - Mashrakh, Dist. - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radhesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mashrakh P.S. Case No. 455 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 34 of the I.P.C.

3. As per prosecution case, petitioner and others are said to have attacked upon the informant with an intention to kill and demanded extortion of Rs. 50,000/-. It is alleged that co-accused Munna Prasad assaulted indiscriminately by means of knife upon the head of the informant as a result of which he sustained injury. It is further alleged that all the accused persons started assaulting the informant by means of *lathi* and *danda*. Thereafter, Dinesh Kumar came to rescue the informant but he



was also assaulted by them. It is further alleged that co-accused Vinod Ram snatched gold chain from the neck of the informant.

4. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner rather the allegations are general and omnibus in nature. He further submits that the specific allegation of giving knife blow upon the informant is directly attributed against the co-accused Munna Prasad. He further submits that injuries sustained by the informant and Dinesh Kumar are simple in nature. Petitioner is in custody since 18.01.2024 and bears no criminal antecedent. He further submits that co-accused Dipu Kumar and others have already been granted bail anticipatory bail by this Court vide Cr. Misc. No. 15512 of 2024 and the case of present petitioner stands on better footing as he is in custody since 18.01.2024.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted anticipatory bail, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 Chief Judicial Magistrate, Chapra in connection with Mashrakh P.S. Case No. 455 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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