

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21610 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- NAUTAN District- West Champaran

Ambedkar Patel @ Ambedkar Kumar Patel S/O- Mohan Patel R/O- Village-
Sansariya, P.S.- Bettiah Muffasil, Dist.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-05-2024 Heard Mr.Rakesh Kumar, learned counsel for the
petitioner, learned counsel for the informant and
Mr.Dr.Mrityunjaya Kr.Gautam, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
18.04.2023 in connection with Nautan P.S. Case No. 135 of
2023, F.I.R. dated 17.04.2023 registered for the offence
punishable under Sections 307,302,120(B),147,149 of IPC.

3. According to prosecution case, all the accused
persons including the petitioner have assaulted the son of the
informant by means of iron rod due to which he sustained
severe injuries resulting into his death.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from a bare perusal of the FIR



it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the informant is not the eye witness of the alleged occurrence. Further submits that the co-accused person, namely, Mohan Patel @ Mohan Kumar Patel @ Mohan Prasad, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court vide order dated 07.11.2023 passed in Cr. Misc. No.71115 of 2023 and the police, after investigation submitted the chargesheet against the petitioner and the petitioner is in custody since 18.04.2023.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR itself that the petitioner was involved in the present crime in question and the prayer for regular bail of the co-accused, namely, Mukesh Patel has been rejected by a Coordinate Bench of this Hon'ble Court vide order dated 09.11.2023 passed in Cr. Misc. No.72809 of 2023 and apart from that, the petitioner carries five more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.



6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act is attributed against the petitioner, co-accused person, namely, Mohan Patel, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court and the period of custody, let the petitioner, above named, 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 learned Additional District and Sessions Judge-XI, Bettiah, West Champaran in connection with Nautan P.S. Case No. 135 of 2023, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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