

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26175 of 2024**

Arising Out of PS. Case No.-806 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Mithlesh Kumar Son of Vakil Sahani, Resident of Village - Madhubanighat,
P.S. - Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Mr. Hemant Ray, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-05-2024 Heard Mr. Abhishek Kumar, the learned counsel for

the petitioner and Mr. Mohammad Sufyan, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Motihari Muffasil PS Case No. 806 of 2023, FIR

dated 13.11.2023, registered for the offences punishable under

Sections 341, 323, 379, 354(A), 307, 447 and 504 read with

Section 34 of the Indian Penal Code.

3. According to prosecution case, all the FIR named

accused persons, variously armed, came at the door of the

informant and started abusing him and upon his protest, they

assaulted him due to which he sustained injury. It is further alleged

that when the wife of informant came to his rescue, the accused

persons also assaulted her, and one Santosh Sahani assaulted and



molested her and they also snatched gold *hanumani* from the informant.

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 upon perusal of the FIR it is evident that due to admitted land dispute the present occurrence has taken place and there is allegation against the petitioner that he has assaulted to the informant and although the informant has received injury, but the injury report of the informant suggests that injury is simple in nature, caused by hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and 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 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 Chief Judicial Magistrate, Motihari, East Champaran, where the case is pending in connection with **Motihari Muffasil PS Case**



No. 806 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 trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the 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 trial Court 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 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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