

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28341 of 2024

Arising Out of PS. Case No.-227 Year-2021 Thana- GAYA MUFASIL District- Gaya

Sikandar Prasad @ Sikandar Kumar S/o Prem Kumar @ Prem Prasad Village
Baradih, PS Mufassil Dist Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Deepak Kumar, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mufassil P.S. Case No. 227 of 2021, F.I.R. dated 18.05.2021 for the offences punishable under Sections 341, 323, 324 and 307 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. According to prosecution case, all the F.I.R named persons including this petitioner have assaulted the informant and this petitioner have lathi blow on the informant. It is further alleged that one co-accused, namely, Ajay Chauhan started firing upon 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 although the petitioner is named in the F.I.R but there is no specific allegation against him and the allegation against him is that he assaulted the informant by means of bamboo stick but no injury report is available on record which suggests that the informant has received any injury. He further submits that after the present case, both the sides have filed a compromise petition before the learned Court below on 05.06.2023.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and no injury report is available on record which suggests that the injured person has received any injury, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Mufassil P.S. Case No. 227 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other 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 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)

Vanisha/-

U		T	
---	--	---	--

