

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35183 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Visheshwar Sada @ Visheshwar Sda Son of Nago Sada @ Nago Sda Resident
of village - Golmadeeh (Gomadeeh), P.S.- Kusheshwar Asthan, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Vinay Kirti Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2024 Heard Mr. Nilendu Kumar Choudhary, learned

counsel for the petitioner, Mr. Vinay Kirti Kumar, learned

counsel appearing on behalf of the informant as well as Mr.

Bhanu Pratap Singh, learned Additional Public Prosecutor for

the State.

2. Petitioner seeks bail who is in custody since
05.02.2024 in connection with Kusheshwar Asthan P.S. Case
No. 379 of 2023, F.I.R. dated 13.12.2023 for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
379, 385 and 307 of the Indian Penal Code and Section 27 of the
Arms Act.

3. According to prosecution case, all the accused



persons including this petitioner armed with weapon assaulted the informant and his family members. It is further alleged that the petitioner fired upon the informant which did not hit him, then he hit him by the butt of pistol resulting into injury and also assaulted his brother and snatched a gold chain from his neck.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that as per allegation in the F.I.R, the petitioner has fired upon the informant which did not hit him and thereafter the petitioner has assaulted the brother of the informant, namely, Sanjay Kumar. He further submits that although Sanjay Kumar has received injury but the injury report suggest that the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manohar Sada has been granted bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 38126 of 2024. The petitioner is in custody since 05.02.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and



submits that from perusal of the F.I.R it appears that there is direct and specific allegation against the petitioner that he has fired upon the informant and he has also assaulted the brother of the informant and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances, 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 the learned Judicial Magistrate-I Class, Benipur, Darbhanga in connection with Kusheshwar Asthana P.S. Case No. 379 of 2023, subject to 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 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)

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