

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40340 of 2024

Arising Out of PS. Case No.-157 Year-2019 Thana- VISHNUPAD District- Gaya

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Shashi Kishor @ Shashi Kishor Shishu @ Shishu Lal @ Shishu Ranjan Son
of Vindhyachal Prasad Sinha R/O Village- Chand Chaura, P.S.- Vishnupad,
Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Prithvi Raj Singh, learned counsel for the

petitioner and Mr. Jai Narain Thakur, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Vishnupad P.S. Case No. 157 of 2019, F.I.R.
dated 25.08.2019 for the offences punishable under Sections
147, 148, 149, 341, 342, 323, 307, 337, 338, 332, 353 and 427
of the Indian Penal Code.

3. According to prosecution case, it is alleged that the
petitioner along with other accused persons had blocked the
road and on opening of the road by the informant, they assaulted
the informant which resulted in injury.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case on the basis of newspaper cutting. He further submits that it appears from the F.I.R that the date of occurrence as alleged in the F.I.R is 23.08.2019, but the present F.I.R was lodged on 25.08.2019 i.e after delay of two days. He also submits that except the newspaper cutting, no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. And apart from that there is no specific allegation of any assault or overt act against this petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts, 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 court of Chief Judicial Magistrate, Gaya in connection with Vishnupad P.S. Case No. 157 of 2019, 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 their 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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