

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47538 of 2024

Arising Out of PS. Case No.-444 Year-2023 Thana- MANER District- Patna

Piyush Kumar S/o Ramesh Halwai R/O Near Sarkari Hospital, P.O. maner,
P.S. Maner, Distt-Patna. At present, R/O Maner Kathara, Beside Late Abhay
Mahto, P.O. and P.S. Maner, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mohit Raj, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP
For the Informant	:	Mr. Yogesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2024 Heard Mr. Mohit Raj, learned counsel for the
petitioner, Mr. Yogesh Kumar, learned counsel appearing on
behalf of the informant as well as Mr. Akbar Ali, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Maner P.S. Case No. 444 of 2023, F.I.R. dated
13.06.2023 for the offences punishable under Sections 341, 323,
307, 504, 506 and 34 of the Indian Penal Code and Section 27
of the Arms Act.

3. According to prosecution case, a scuffle took
between the informant and the accused persons including the
petitioner where the co-accused, Nijam Alam has fired upon the
informant causing injury on his two fingers.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is no specific allegation of assault against the petitioner rather the specific allegation is against the co-accused, namely, Nijam Alam @ Pappu who has fired upon the informant and at best the petitioner is the member of the mob.

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 the petitioner was named in the F.I.R and apart from that the petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, 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, Danapur in connection with Maner P.S. Case No. 444 of 2023, 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)

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