

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40743 of 2024**

Arising Out of PS. Case No.-115 Year-2020 Thana- GAYA KOTWALI District- Gaya

Deepak Kumar S/o Jitu Kahar @ Jitu Prasad Panchayati Akhara Near Bridge,  
P.S-. Kotwali, Dist- Gaya, At Present Mohalla Chuna Bhatha Kailash Temple,  
Ranchi, P.S. Sukhdeo Nagar, Distt- Ranchi, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

2      03-07-2024                      Heard Mr. Nafisu Zzoha, learned counsel for the  
  
petitioner and Mr. Mithlesh Kumar Khare, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kotwali P.S. Case No. 115 of 2020, F.I.R. dated 11.03.2020 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner armed with deadly weapon have assaulted the informant and his uncle due to which they received injuries.

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 there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner and the specific allegation is against the co-accused, namely, Ponga Bind who assaulted the informant by means of butt of katta.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no allegation of assault or overt act against this petitioner, 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 Kotwali P.S. Case No. 115 of 2020, 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/-

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