

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42723 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- KHAJAULI District- Madhubani

Shailendra Singh @ Shailendra Kumar Singh Son Of Nathuni Singh
Aurahivillage- Aurahi, P.S.- Babubarhi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioner, Mr. Gagan Deo Yadav, learned counsel for the informant and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Khajauli P.S. Case No. 227 of 2023, F.I.R. dated 05.12.2023 for the offences punishable under Sections 341, 323, 324, 354(B), 379, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along with other co-accused persons has assaulted on the head of the informant by means of farsa.

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 there is specific allegation against the petitioner that he has assaulted to the informant by means of *farsa* due to which the informant received injury on his head but the injury report of the informant suggests that the injury is simple in nature.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has assaulted on the vital part of the body of the informant.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent and injury report of the informant suggests that the injury is simple in nature, 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, Madhubani in connection with Khajauli P.S. Case No. 227 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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