

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47140 of 2024

Arising Out of PS. Case No.-165 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Manish Kumar son of Hare Ram Mahto Village- Semrao Ps- Charpokhari
Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Rajani Ranjan Pd. Singh, learned counsel
for the petitioner as well as Mr. Ganesh Prasad Singh , learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Charpokhari P.S. Case No. 165 of 2022, F.I.R. dated 22.08.2022 for the offences punishable under Sections 323, 325, 307, 341, 379, 504, 147 and 149 of the Indian Penal Code.

3. According to prosecution case, the petitioner along with other co-accused persons armed with weapons surrounded him near the house of one Kalamuddin and assaulted the informant and his son with the intention to kill them and also snatched gold chain from the neck of the informant.

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 the petitioner is named in the F.I.R and as per the F.I.R., there is specific allegation against the petitioner that he assaulted the informant. He further submits that although the informant has received the injury, but the injury report suggests that the injury is simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and injury report of the injured person 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 Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 165 of 2022, 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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