

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48844 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Ram Karan Sada @ Ramkaran Sda S/o- Nago Sada @ Nago Sda Village-
Golmadeeh Gomadeeh Ps- Kuheshwar Asthan Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Kumar Prabhakar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner, Mr. Kumar Prabhakar, learned
counsel appearing on behalf of the informant as well as Mr.
Ajay Kumar Jha, learned Additional Public Prosecutor for the
State.

2. Petitioner seeks bail who is in custody since
19.02.2024 in connection with Kusheswar Asthan P.S. Case No.
379 of 2023, F.I.R. dated 13.12.2023 for the offences punishable
under Sections 147, 148, 149, 341, 323, 324, 325, 379, 385 and
307 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused
persons including this petitioner have assaulted the informant. It
is further alleged that this petitioner assaulted the informant by



means of rifle due to which his arm got fractured.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that as per allegation in the F.I.R the petitioner has assaulted with rifle due to which left arm of the informant got fractured. He further submits that although the informant has received injury on his left arm but the same is not on the vital part of the body and the injury report also suggest that the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manohar Sada has been granted bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 38126 of 2024. The petitioner is in custody since 19.02.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has assaulted informant by means of rifle butt and apart from that the petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of supplementary affidavit that the petitioner is on bail in four



cases out of five.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 I Class, Benipur, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 379 of 2023, subject to the 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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