

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52927 of 2024

Arising Out of PS. Case No.-493 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Mukesh Singh @ Khurul Singh @ Ganesh Kumar Singh @ Gagesh Kumar Singh Son of Late Dadan Singh @ Prithvi Raj Singh R/O Vill.- Kaura, P.S.- Jagdishpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Manoj Kumar, learned counsel for the petitioner as well as Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jagdishpur P.S. Case No. 493 of 2023, F.I.R. dated 25.11.2023 for the offences punishable under Sections 341, 323, 325, 307, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, the petitioner along with other accused persons armed with rifle and iron rod assaulted the informant on his head and arm due to which he sustained 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 the present case is the counter blast of the Jagdishpur P.S. Case No. 490 of 2023 filed by the family member of the petitioner. He further submits that from perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act against this petitioner rather there is allegation of assault attributed against the other co-accused persons, namely, Shatrughan Singh and Laji Singh.

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, there is case and counter case and there is no specific allegation any assault or overt act against the 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 Additional Chief Judicial Magistrate 1st, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 493 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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