

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52783 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- KALER District- Jehanabad

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Prem Nishad @ Prem @ Parmanand Nishad @ Prama S/o Late Dwarika
Nishad R/o vill - Aganoor, P.S. - Kaler, Distt. - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Neeraj
For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kaler P.S. Case No. 99 of 2023 F.I.R. dated 20.07.2023 for the offences punishable under Sections 341, 323, 308, 354, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner in connivance with other accused persons having armed with iron rod, lathi, tempa and hammer, entered into the house of the informant abused and captured her. In the mean time, the petitioner gave hammer blow on her head causing head injury due to which she fell down. The co-accused Sujeet Kumar snatched her Mangalsutra. Other accused persons assaulted her with tempa resulting into injury on elbow of his right hand.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. Both parties are agnate. As per allegation in the FIR the petitioner has assaulted by means of hammer, although she has received the injury but the injury report of the injured is simple in nature. Other co-accused persons have been granted anticipatory bail by the learned Court below.

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

6. Considering the aforesaid facts and circumstances of the case and considering that the petitioner has clean antecedent and the injury being 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Arwal in connection with Kaler P.S. Case No. 99 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 tamper 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 bonds 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)

Prakash/-

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