

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56104 of 2024

Arising Out of PS. Case No.-414 Year-2023 Thana- KOTWALI District- Munger

Lalan Patwa @ Lalan Prasad S/O Dukhan Prasad Patwa, R/O village- Gulzar
Pokhar, PS- Kotwali, District- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saurabh Kumar, Advocate
For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 02-08-2024 Heard Mr. Saurabh Kumar, the learned counsel for the petitioner and Mr. Sanjay Kumar Tiwary, the learned Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since 31.05.2024, in connection with Kotwali P.S. Case No. 414 of 2023, FIR dated 10.09.2023, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506 read with Section 34 of the Indian Penal Code.
3. According to the prosecution case, while the informant was going towards his house, the petitioner along with other co-accused persons surrounded the informant and the petitioner assaulted him by means of iron-rod on his head due to which he sustained injury and fell down.
4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that due to admitted land dispute between the parties, the present occurrence has taken place and there is case and counter case between the parties as well and the informant is the own brother of the petitioner. He further submits that although there is specific allegation against the petitioner that he has assaulted by means of iron-rod to the informant, but there is no dimension of cut mark in the injury report of the informant, which suggests that there was no intention to kill the informant, although, the injury report suggests that injury is grievous in nature. He further submits that the co-accused person namely, Krishna Kumar @ Sonu has been granted the privilege of anticipatory bail vide order dated 31.01.2024 passed in Cr. Misc. No. 2831 of 2024 and another co-accused person namely, Munna Prasad has been granted the privilege of anticipatory bail vide order dated 20.02.2024 passed in Cr. Misc. No. 8813 of 2023 and co-accused persons namely, Sunil Kumar and Ashish Kumar have been granted regular bail vide order dated 12.03.2024 passed in Cr. Misc. No. 16291 of 2024 and the petitioner is in custody since 31.05.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for



bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted to the informant. Apart from that, the petitioner carries one criminal antecedent other than the present one, but he fairly admits that in the pending matter, the police has submitted the final form and the Chief Judicial Magistrate, Munger has not taken cognizance against the petitioner as mentioned in the paragraph no. 3 of the bail petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, in connection with **Kotwali P.S. Case No. 414 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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