

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58903 of 2024

Arising Out of PS. Case No.-484 Year-2023 Thana- MALSALAMI District- Patna

Uday Kumar @ Uday Rai S/O Amal Rai R/O Village- Nand Gola, P.S-
Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Mohan Tripathi, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Malsalami P.S. Case No. 484 of 2023 dated 13.07.2023 instituted
for the offence punishable under Sections 147, 148, 341, 323, 307,
504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, when the informant was returning to
his home, he saw that the petitioner, his family members and other
accused persons were assaulting his son and his neighbour. On
seeing the informant, they abused and assaulted him also. It is
alleged that on protest made by informant's son not to sell liquor
in his old house, the petitioner and other accused persons
committed the aforesaid crime.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is no specific allegation against the petitioner rather the allegation against the petitioner is general and omnibus. The present case has been lodged after one day of the occurrence without any plausible explanation. The present case is counter blast of Malsalami P.S. Case No. 483 of 2023 which has been lodged by the wife of the petitioner under Section 307 and its allied sections. The alleged occurrence has taken place due to previous enmity and both parties have received injuries. There is no eye witness to the occurrence. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Malsalami P.S. Case No. 484 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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