

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58203 of 2023

Arising Out of PS. Case No.-308 Year-2022 Thana- MUFFASIL District- Aurangabad

1. Mantu Kumar S/O Ajay Prajapati R/O Bajitpur Po Kanbehari Ps Muffasil (AURANGABAD) Anchal Aurangabad, Dist.- Aurangabad (BIHAR)
2. Uttam Kumar S/O Ajay Prajapati R/O Vill. Bajitpur Po Kanbehari Ps Muffasil (AURANGABAD) Anchal Aurangabad, Dist.- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Yadav,Advocate
For the Opposite Party/s : Mr.Zainul Abedin,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Learned counsel for the petitioners submits that during pendency of this anticipatory bail application the petitioner No.2, namely, Uttam Kumar has been granted bail by the learned court below itself, and as such, the present anticipatory bail application has become infructuous. Accordingly, the learned counsel for the petitioners seeks permission to withdraw this anticipatory bail with respect to petitioner No.2, namely, Uttam Kumar.

2. Permission is accorded.

3. Accordingly, this anticipatory bail application stands dismissed as withdrawn with respect to petitioner No.2, namely, Uttam Kumar.



4. Heard Mr.Kedar Yadav, learned counsel for petitioner No.1 and Mr.Zainul Abedin, learned Additional Public Prosecutor for the State.

5. Petitioner No.1, namely, Mantu Kumar, is apprehending his arrest in connection with Muffasil (Aurangabad) P.S.Case No.308 of 2022, FIR dated 01.09.2022 registered for the offences punishable under Sections 447,341,323,307,504,506 and 34 of IPC.

6. Allegation against the petitioner is that he assaulted to the son of the informant by means of iron rod causing injury on his head.

7. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. As per FIR allegation against the petitioner is that he assaulted with iron rod to the son of the informant, namely, Raju Gupta, although he has received injury but the injury report of the son of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

8. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he assaulted with iron rod to the son



of the informant and apart from the aforesaid the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

9. Considering the aforesaid facts, let petitioner No.1, namely, Mantu Kumar, in the event of his 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 learned Chief Judicial Magistrate, Aurangabad in connection with Muffasil (Aurangabad) P.S.Case No.308 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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