

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64709 of 2024

Arising Out of PS. Case No.-58 Year-2022 Thana- AKILPUR District- Saran

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BADAL KUMAR Son of Vijay Rai R/o Village- Salhali, P.S.- Akilpur,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 341, 323, 324, 354(B), 379, 504, 506, 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. Allegedly, the petitioner along with other co-accused persons is said to have abused and assaulted the informant and her family members.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. All the allegations levelled against the petitioner are false and based on concocted facts. Both the parties are agnates and there is case



and counter case between them. Nothing specific has been attributed against the petitioner. There is general and omnibus allegation against the petitioner to assault the informant and her daughter. It is further submitted that initially the present case was registered under Section 341, 323, 324, 354(b), 379, 504, 506, 34, but later on Section 302 of the IPC was added on the basis of fardbeyan of one Harendra Rai with false allegation that the accused persons including the petitioner assaulted one Nitish Kumar due to which he sustained injuries and died during his treatment. It is further submitted that similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 22.11.2023 passed in Cr. Misc. No. 72949 of 2023. Learned counsel further submits that the petitioner has no criminal antecedent and he has been languishing in custody since 08.06.2024.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Akilpur P.S. Case No. 58 of 2022 with the following conditions:-



(1) One of the bailors should be the family member of the petitioner who shall provide official document to show his/her bona fide.

(2) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself.

(3) The petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance.

(4) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(5) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

7. With the aforesaid observations, the bail application is allowed.

(Anjani Kumar Sharan, J)

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