

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63273 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- KORHA District- Katihar

Prakash Mandal S/O Tilo Mandal R/O Pachma Kumhar Toli, P.S.-Korha,
Distt.-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and Dr. Indihar Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Korha P.S. Case No. 228 of 2023, F.I.R. dated 04.06.2023 for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is said to have assaulted on the head of the informant by means of iron rod.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the FIR the petitioner has assaulted the informant



by means of iron rod. He further submits that although the informant has received the injury but the injury report of the informant suggests that the injury is simple in nature caused by the hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent and nature of the injury is 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 228 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 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 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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