

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64803 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

-
1. Balmiki Gond Son of Late Ram Swarup Gond
 2. Rameshu Gond @ Ramesh Prasad Gond Son of Satyanarayan Gond.
Both Resident of village - Panapur, P.S.- Bhagwanpur, District - Kaimur at
Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr.Tribhuwan Narayan, learned counsel for the
petitioners and Mr.Binod Kumar, learned APP for the State.

2. After some arguments, learned counsel for the
petitioners seeks permission to withdraw this application with
respect to petitioner No.1, namely, Balmiki Gond with liberty to
the petitioner to surrender before the learned court below within
a period of six weeks from today and seek regular bail.

3. Permission is accorded.

4. The application is dismissed as withdrawn as not
pressed with the liberty that petitioner No.1, namely, Balmiki
Gond surrenders and seeks regular bail before the learned court
below, the same shall be considered on the same day on its own
merit in accordance with law and without being prejudiced by



any observation in the present order.

5. Heard Mr.Tribhuvan Narayan, learned counsel for petitioner No.2, namely, Rameshu Gond @ Ramesh Prasad Gond and Mr.Binod Kumar, learned Additional Public Prosecutor for the State.

6. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S.Case No.152 of 2024, FIR dated 04.06.2024 registered for the offences punishable under Sections 341, 323, 307,504,34 of IPC.

7. Allegation against the petitioner is that he assaulted to the informant by means of Garasa causing simple injury on his head.

8. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. As per FIR, specific allegation is against co-accused person, namely, Balmiki Gond, is that he assaulted to one Munna Chaubey by means of Garasa and injury report of Munna Chaubey suggests that the injury is grievous in nature. Further submits that there is no specific allegation of assault or overt-act attributed against the petitioner.



9. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

10. Considering the aforesaid facts and petitioner has clean antecedent, let petitioner No.2, namely, Rameshu Gond @ Ramesh Prasad Gond, 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 Judicial Magistrate-1st Class, Kaimur at Bhabhua in connection with Bhagwanpur P.S.Case No.152 of 2024, 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)

Nitesh/-

U		T	
---	--	---	--

