

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67520 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- MANIYARI District- Muzaffarpur

Sachin Kumar Son of Late Chulhai Thakur, R/o Village- Vishunpur Gidha,
P.S.- Maniyari, Dist.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Hans Lal Kumar, the learned counsel for
the petitioner and Mr. Abhay Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Maniyari PS Case No. 99 of 2024, FIR dated
04.05.2024, registered for the offences punishable under
Sections 341, 323, 307, 379, 504 and 506 read with Section 34
of the Indian Penal Code.

3. According to the prosecution case, while the
informant was at his shop, one Rajendra Thakur asked for some
articles and refused to pay the money, which led to an
altercation, in the meantime, the co-accused persons also came
there and started assaulting the informant and his family
members. It is further alleged that Mahendra Thakur, with an
intention to kill, gave *farsa* blows to the informant due to which



he sustained head injury. It is further alleged that the co-accused persons also looted the shop of informant and took Rs. 12,000/- (Rupees twelve thousand only) from cash box.

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 there is case and counter case between the parties and the present occurrence has taken place due to admitted land dispute between the parties as well. He lastly submits that from perusal of the FIR, it appears that there is specific allegation against the petitioner that he has assaulted to the uncle of the informant namely, Deenanath Sah, who has received four injuries, but out of four injuries, three injuries are simple in nature and one injury is grievous in nature, however, it is on non-vital part of the body of informant's uncle.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is case and counter case between the parties and out of four injuries inflicted upon the uncle of informant, three are simple



in nature and one is grievous in nature on non-vital part of the body of informant's uncle, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate 1st Class, (West), Muzaffarpur, where the case is pending in connection with **Maniyari PS Case No. 99 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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