

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67352 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- Champanagar District- Purnia

KISHOR KUMAR S/o HIRALAL SAH R/o vill - Jagarnathpur, ward no. 01,
P.S. - Champanagar (K. Nagar), Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Shekhar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Tarun Shekhar, learned counsel for the

petitioner and Dr. Mrityunjaya Kr. Gautam, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
29.06.2024, in connection with Champanagar P.S. Case No. 43
of 2024, FIR dated 23.06.2024 registered for the offence under
Sections 341, 323, 307, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, petitioner is said to
have assaulted to the informant and his wife with *dabia*.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case due to admitted land dispute between the
parties. He further submits that from a bare perusal of the FIR
although there is specific allegation against the petitioner that he



has assaulted to the informant and his wife but injury report of the injured persons suggests that the injuries are simple in nature. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.06.2024.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts, let the, above named, petitioner 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 C.J.M., Purnea in connection with Champanagar P.S. Case No. 43 of 2024 with the 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 canceled 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.

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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