

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68945 of 2023

Arising Out of PS. Case No.-546 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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MOHAN PRASAD, S/o- JALESHWAR PRASAD, Village- Mukeri Tola Ps-
Gopalganj Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in connection with Gopalganj Town P.S. Case No. 546 of 2019 instituted for the offence under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code, in which petitioner is in jail on account of misuse of privilege of earlier bail granted to him.

3. As per prosecution case, the accused persons started throwing bricks and stones at the informant's son namely Ajay Kumar and his family members due to which the informant's family sustained injury.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case and was on bail but on the basis of application dated 08.02.2023 filed by prosecution before the learned trial Court for the cancellation of the bail alleging that he has misused the privilege of bail and assaulted the informant. The learned trial Court pleased to cancel the bail of the petitioner and others by order dated 27.03.2023. He further submitted that learned trial Court issued the warrant of arrest and the petitioner surrendered before the learned trial Court on 07.08.2023 and is in custody since then. Further, similarly situated co-accused persons have already granted regular bail by a coordinate Bench of this Court vide order dated 11.09.2023 passed in Cr. Misc. No. 59296 of 2023 and Cr. Misc. No. 59777 of 2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court below in connection with



Gopalganj Town P.S. Case No. 546 of 2019 with a following conditions :

(i) Petitioner shall co-operate in the trial and shall be present on each and every date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) Petitioner shall not tamper with the evidence or threaten the witnesses in this case.

(Sunil Dutta Mishra, J)

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