

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78264 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- PHULPARAS District- Madhubani

Balram Chaupal son of Late Narayan Chaupal Village- Belha Ps- Phulparas
Dist- Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-02-2024 Heard Mr. Baleshwar Kamat, learned counsel for

the petitioner and Mr. Syed Mojibur Rahman, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Phulparas P.S. Case No. 104 of 2023, F.I.R. dated 24.02.2023 for the offences punishable under Sections 341, 342, 323, 379, 307, 354(B), 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have brutally assaulted the son of the informant which causes several injuries to the son of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not



committed any offences as alleged in the F.I.R. He further submits that as per the allegation in the F.I.R, the petitioner has assaulted the son of the informant, namely, Shambhu Mandal by means of iron rod on his head due to which he received injury. He further submits that injury report of the injured person suggest the X-ray of skull and of left elbow are normal and till date no final opinion has come from the DMCH, Darbhanga. He further submits that there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending case.

6. Considering the aforesaid facts and circumstances and nature of injury, 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 Additional Chief Judicial Magistrate 2nd Jhanjharpur, District- Madhubani in connection with Phulparas P.S. Case No.



352 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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