

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76438 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- BHAGWANPUR District- Begusarai

Sushil Kumar Son of Ram Nunu Tanti @ Ramnandan Tanti Resident Of
Village - Mubarakpur (CHANDAU), Ward No. 1, Ps- Bhagwanpur, Distt-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 20-07-2024 Heard Mr. Braj Bhushan Poddar, learned counsel for
the petitioner and Mr. Shantanu Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
11.04.2023 in connection with Bhagwanpur P.S. Case No. 89 of
2023, F.I.R. dated 10.04.2023 for the offences punishable under
Sections 341, 342, 323, 307, 504, 506 and 34 of the Indian
Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner surrounded the informant's son
and this petitioner has assaulted him by means of knife in his
stomach and other accused person, namely, Manish Kumar
caught hold his neck.



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 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 by means of knife in his stomach with an intention to kill him. He further submits that there is no reptition of knife blow. He further submits that the charge has been framed against the petitioner on 06.07.2024. He further submits that similarly situated, co-accused, namely, Manish Kumar @ Manish Chaurasia who has caught hold the son of the informant has been granted bail by this Court vide order dated 06.09.2023 passed in Cr. Misc. No. 57985 of 2023. The petitioner is in custody since 11.04.2023.

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

6. Considering the aforesaid facts and circumstances as well as the period of custody, let the petitioner, above named, 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 District & Sessions Judge-



V, Bhagwanpur in connection with Bhagwanpur P.S. Case No. 89 of 2023, subject to 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 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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