

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80586 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- PHULWARIA District- Begusarai

Mukesh Malakar @ Mukesh Kumar S/O Dinesh Malakar @ Mahesh Malakar
@ Mahesh Mali Village- Baro Rampur Tola, Ward No. 28, P.S. Phulwaria,
Dist. Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Yogesh Kumar, learned counsel for the
petitioner and Mr. Binod Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Phulwaria P.S. Case No. 77 of 2023, F.I.R. dated 24.05.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 379 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons have assaulted the family members of the informant due to which they sustained injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from



perusal of the F.I.R. it appears that there is specific allegation against the petitioner that he along with other co-accused persons have assaulted the family members of the informant. He further submits that in the F.I.R. stating therein that the petitioner has assaulted to one Gulbasha Khatoon but the injury report of the Gulbasha Khatoon suggests that although she has received injury but the injury is simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Phulwaria P.S. Case No. 77 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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