

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80328 of 2023

Arising Out of PS. Case No.-350 Year-2021 Thana- ATRI District- Gaya

CHANDRA BHUSHAN KUMAR @ RAHUL @ RAHUL KUMAR @
RAHUL KUMAR SINGH Son of Sarwan Singh @ Sarwan Kumar @ Sarwan
Kumar Singh Resident of Village - Bathu Bigha, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-01-2024 Heard the parties.

2. The petitioner is in custody in connection with S.T. No. 49 of 2023 arising out of Atri P.S. Case No. 350 of 2021 for the offence under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 24.10.2021 by the informant, Nitish Kumar.

3. As per the prosecution story, the informant has alleged that due to land dispute, the accused persons including the petitioner herein assaulted the informant and his family members inasmuch as the allegation against the petitioner is concerned, he used a spade causing injury on his shoulder and leg. The other accused persons has also been attributed different charges of assault. Accordingly, the aforesaid F.I.R came to be



lodged.

4. Earlier the case of the petitioner was heard and rejected vide order dated 13.10.2022 passed in Cr. Misc. No. 40231 of 2022.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide letter no. 1386 dated 14.12.2023 according to which the case was last posted for 20.12.2023 for the framing of the charges.

6. Taking into account the fact that the petitioner is in custody since 14.03.2022 (as stated in paragraph 4 of the bail application), this Court is inclined to extend him privilege of bail after framing of the charges.

7. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-1st, Gaya in connection with S.T. No. 49 of 2023 arising out of Atri P.S. Case No. 350 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for the next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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