

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85383 of 2023

Arising Out of PS. Case No.-508 Year-2022 Thana- TEKARI District- Gaya

Chintu Kumar Son of Awadh Yadav Resident of Village - Dumarsan, P.S. -
Tekari, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-08-2024 Heard Mr. Satya Veer, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. Learned counsel for the petitioner is directed to
make necessary correction in paragraph no. 16 of the bail
petition during course of the day.

3. Petitioner seeks bail who is in custody since
27.09.2022 in connection with Tekari P.S. Case No. 508 of
2022, F.I.R. dated 12.08.2022 for the offences punishable under
Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal
Code and later on Section 302 of the Indian Penal Code was
added.

4. According to prosecution case, this petitioner along
with other accused persons on the order of Awadh Yadav and



Gorakh Yadav have brutally assaulted the brother of the informant, namely, Deepak Kumar due to which he sustained injuries.

5. 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 from perusal of the F.I.R it appears that the date of occurrence is 09.08.2022 but the present F.I.R was instituted on 12.08.2022 i.e. after delay of 3 days without giving any explanation of the said delay. He further submits that it appears from the F.I.R itself that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the 3 accused persons, namely, Manoj Kumar, Chintu Kumar (petitioner) and Nakoya Kumari.

6. Vide order dated 10.04.2024, a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 22.04.2022 reveals that out of 8 charge sheet witnesses, only 4 witnesses have been examined as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court it appears that the the trial is not likely to be concluded in the near future and the petitioner is in custody since 27.09.2022 almost two years and



apart from that there is no specific allegation against the petitioner. He further submits that the other accused persons, namely, Awadh Yadav and another who were order giver have been granted regular bail by this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 19335 of 2023.

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

9. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against this petitioner rather there is general and omnibus allegation against the petitioner, report of the learned Trial Court as well as 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, XI, Gaya in connection with Tekari P.S. Case No. 508 of 2022, 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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