

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85686 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- GORAUL District- Vaishali

Deepak Kumar S/O Ram Chandra Singh, R/O Katarmala, P.S- Goraul, Distt.-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Krishna Kant Singh, the learned counsel
for the petitioner and Mr. Syed Ehteshamuddin, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Goraul PS Case No. 235 of 2023, FIR dated
06.06.2023, registered for the offences punishable under Sections
302 and 323 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the accused persons
assaulted the son and grandson of the informant and killed his
grandson by pressing his neck and due to the assault the son of the
informant got injured.

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 upon perusal of the

FIR, it appears that there is no specific allegation against the petitioner, rather there is allegation that all of the co-accused persons were pressing the neck of the grand-son of the informant, but the *post-mortem* report of the grand-son of the informant does not support the allegation as alleged in the FIR and apart from that, it appears that the informant is not the eyewitness of the alleged occurrence and it has come during investigation in the paragraph no. 8, 31, 32 and 33 of the case diary that no one has seen the occurrence.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the allegation levelled in the FIR is not supported by the medical evidence, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Vaishali at Hajipur, where the case is pending in connection with **Goraul PS Case No. 235 of 2023**, subject to the conditions as laid down under Section

438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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