

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85901 of 2023**

Arising Out of PS. Case No.-215 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Amarjeet Kushwaha S/O Anirudh Bhagat, R/O Vill.- Dobwal, P.S.- Vijaipur,
Dist- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bindu Devi W/O Nagendra Ram, R/O Village- Dobwal, PS. Vijaipur, Dist. Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-03-2024 Heard Mr. Sanjay Kumar Singh, the learned counsel
for the petitioner and Mr. Binay Krishna, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Vijaipur PS Case No. 215 of 2023, FIR dated
31.07.2023, registered for the offences punishable under Sections
341, 323, 325, 354(A) and 452 of the Indian Penal Code and under
Section 12 of the POCSO Act and under Sections 3(1)(r)(s)(w) of
the Scheduled Casts and Scheduled Tribes (Prevention of
Atrocities) Act.

3. According to prosecution case, the petitioner with ill
intentions pelted stones on the sleeping daughter of the informant.
It is further alleged that the petitioner caught hold of her arm and
twisted it causing fracture.



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 levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He lastly submits that the injury report of the victim suggests that although she has received injury, but the injury is simple in nature caused by hard and blunt substance.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner tried to commit wrong with the victim girl and he has twisted her arm causing fracture.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the injury report of the victim suggests that the injury is simple in nature, 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 District & Sessions Judge-XI-cum-Special Judge, SC/ST, Gopalganj, where the case is pending in connection with



Vijaipur PS Case No. 215 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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