

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7922 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- RAJIVNAGAR District- Patna

Raushan Kumar S/O Sanjay Prasad Resident - Rajiv Nagar, Ps- Rajiv Nagar-
District- Patna

... .. Petitioner/s

Versus

State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner as well as Mr. Ram Anurag Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rajiv Nagar P.S. Case No. 274 of 2023, F.I.R. dated 17.05.2023 for the offences punishable under Sections 341, 342, 323, 325, 324, 307, 504/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have brutally assaulted the informant and his brother due to which they sustained injuries.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that the petitioner has assaulted one Tunnu Singh on his leg. He



further submits that the injury report of Tunnu Singh suggests that injury has been caused on multiple small abrasion, on right Patella and on left Calcaneal. He further submits that from perusal of the F.I.R it appears that the date of occurrence is 15.05.2023 but the present F.I.R has been instituted on 17.05.2023 i.e. after delay of more than 2 days without giving any explanation of the said delay.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 7 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the seven cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Rajiv Nagar P.S. Case No. 274 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other 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 have 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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