

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.713 of 2024

Arising Out of PS. Case No.-383 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Avinash Kr Jha @ Avinash Kumar Jha Son of Surendra Jha R/o vill - Parao
Pokhar, Lane no. 2, Aamgola, P.s - Kazi Mohammadpur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate
For the State : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Chandra Shekhar Sharma, learned

counsel for the petitioner and Dr. Indihar Kumari, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kazi Mohammadpur P.S. Case No. 383 of
2023, F.I.R. dated 15.09.2023 for the offences punishable under
Sections 341, 323, 307, 353 and 504 of the Indian Penal Code.

3. According to prosecution case, when the informant
along with other went to the house of the petitioner for changing
his meter to smart prepaid meter, the petitioner forcibly stop the
process of changing the meter and assaulted him with pipe.

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 from a bare perusal of the FIR it appears that petitioner has assaulted to Pankaj Kumar and Subhas Kumar. He further submits that although both of the them have received the injuries but injury report of the injured persons suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that there is direct and specific allegation against the petitioner that he has assaulted to the Pankaj Kumar and Subhas Kumar and apart from that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of the paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

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 A.C.J.M., 1st (East), Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 383 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 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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