

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4820 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- MANER District- Patna

Vakil Rai @ Vakil Kumar S/o Jai Kishoun Rai @ Jai Kishan Rai R/o Village-
Sherpur, (Sanichara Baba), P.S. Maner, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-02-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Maner P.S. Case No. 412 of 2023 for the offence under sections 341, 323, 307, 504, 506/34 of the I.P.C. lodged on 02.06.2023 by the informant, Bichar Kumar.

3. As per the prosecution story, the allegation is that the accused persons assaulted the informant and the allegation against this petitioner and Bhajan Kumar is of giving iron rod blow on the head. Further, the other accused persons tried to press his neck by using towel. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though allegation of assault on his head has been made, there is no such injury report which can be perused from the learned Session Judge order.



5. Learned APP, on the other hand, submits that allegation of assault on the head is there against the petitioner.

6. Having gone through the facts of the case, the submission put forward by the parties as also perusal of learned Session Judge order wherein it has been observed that despite request, the prosecution side did not produce injury report for which several requisitions were issued on 31.08.2023, 21.09.2023 and 29.09.2023, in that background, when the prosecution has not been able to substantiate the allegation despite a long rope given by the learned Session Judge, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Danapur, in connection with Maner P.S. Case No. 412 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

