

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73224 of 2024

Arising Out of PS. Case No.-420 Year-2023 Thana- NAUBATPUR District- Patna

Mukul Kumar son of Vijay Prasad Yadav @ Vijay Prasad @ Vijay Rai
village- Reghaniya Bagh, Ps- Naubatpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 06-02-2025 Heard Mr. Saket Anand, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in judicial custody in connection with Naubatpur P.S. Case No. 420 of 2023 for the offences punishable under Sections 341, 342, 323, 307, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 18.06.2023 by the informant, Vijendra Prasad.

3. As per the prosecution story, the informant has alleged that when he was at his home, the accused persons came and tried to drag him. As this was opposed, specific allegation against this petitioner is of opening fire causing injuries on his shoulder, leg and hand. The allegation of assault is on other accused persons also. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



earlier, the petitioner moved before this Court for grant of anticipatory bail in Cr. Misc. No. 65239 of 2023 which came to be rejected on 29.02.2024. He further submits that due to family rivalry and only to implicate, everyone has been dragged in the F.I.R. making specific allegation has been made against this petitioner, though he concede that the petitioner has criminal antecedent. The further submission is that as per the injury report, the same has been found to be simple in nature.

5. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs.10,000/- through Demand Draft issued by the local State Bank of India branch and the receipt shall be submitted before the Trial Court to be handed over to the informant after checking credentials.

6. Learned APP for the State opposes the prayer submitting that there is specific allegation against this petitioner of opening fire causing injury, as reflects from the F.I.R.

7. Considering the submissions of the parties, though the allegation is there against the petitioner, the injury has been found to be simple in nature, he has remained in custody for



more than six months, charge-sheet submitted and he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Danapur in connection with Naubatpur P.S. Case No. 420 of 2023, subject to the following conditions:

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

(ii) the petitioner shall appear on each and every date before the Trial Court 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 month for next one year 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 bail bonds.

(Rajiv Roy, J)

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