

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73591 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- MEHANDIA District- Jehanabad

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1. Satish Kumar Akela @ Kumar Satish Chandra Akela S/O Ram Narayan Singh Resident of Village- Mehendiya, P.S-Arwal, Dist.-Arwal
 2. Kulwant Kumar @ Shashi Ranjan Kumar S/O Ram Narayan Singh Resident of Village- Mehendiya, P.S-Arwal, Dist.-Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Dubey, Advocate
For the Informant	:	Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Sunil Kumar Dubey, learned counsel for the petitioners, Mr. Binod Kumar Sinha, learned counsel for the Informant and Mr. Shailendra Kumar, learned APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the application of petitioner no. 2, namely, Kulwant Kumar @ Shashi Ranjan Kumar with liberty to the petitioner no. 2 to surrender before the learned Court below within a period of two weeks from today and seeks regular bail.

3. Permission is accorded.

4. The application of petitioner no. 2, namely, Kulwant Kumar @ Shashi Ranjan Kumar is dismissed as



withdrawn with the liberty that the petitioner no. 2 surrender and seek regular bail before the learned Court below, the same shall be considered and disposed of on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

5. The petitioner no. 1 is apprehending his arrest in connection with Mehandia P.S. Case No. 145 of 2024, F.I.R. dated 20.07.2024 registered for the offences punishable under Sections 127(1), 115(2), 109, 117(2), 303(2), 351(2), 352, 3(5) of Bhartiya Nayay Sanhita, 2023.

6. Allegation against the petitioner no. 1 is that he along with other co-accused persons assaulted the son of the informant due to which he received injury.

7. Learned counsel for the petitioner no. 1 submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner no. 1 and in second part, there is specific allegation against the petitioner no. 2, namely, Kulwant Kumar @ Shashi Ranjan Kumar that due to assault of co-accused person, the son of the informant has



received grievous injury.

8. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner no. 1.

9. Considering the facts and circumstances of the case and the fact that there is direct allegation against co-accused person and the allegation against the petitioner no. 1 that he along with co-accused has assaulted the son of the informant, let the petitioner no. 1, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Mehandia P.S. Case No. 145 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner no. 1 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.

(2) If the petitioner no. 1 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage, it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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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