

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88714 of 2024

Arising Out of PS. Case No.-391 Year-2021 Thana- HISUWA District- Nawada

Ajay Kumar @ Matlu @ Matlu Singh S/o Late Hirda Singh R/o Vill.- Ariyan,
P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr. Hansraj, learned counsel for the

petitioner and Mr. Mohammed Arif, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hisua P.S. Case No. 391 of 2021, F.I.R. dated 12.07.2021 for the offences punishable under Sections 341, 323, 324, 338, 379, 308/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including this petitioner have assaulted the informant and his friend. It is further alleged that the co-accused, Arvind Kumar @ Tunni has opened fired upon him and Gopal Kumar has assaulted the informant by means of Garasa which causes injury to him.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is named in the F.I.R and it appears from the F.I.R that the specific allegation of assault or overt act is attributed against the co-accused, namely, Arvind Kumar @ Tunni and Gopal Kumar. Although there is allegation against the petitioner that he has also assaulted the informant but the injury report of the informant which is Annexure-2 of the bail petition suggest that the injury is simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and injury of the injury person is simple in nature, 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 Additional Chief Judicial Magistrate -VI, Nawada in connection with Hisua P.S. Case No. 391 of



2021, 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)

Vanisha/-

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

