
(2021) 02 PAT CK 0021

Patna High Court

Case No: Criminal Miscellaneous No. 28060 Of 2020

Bade Bind

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Feb. 1, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 307, 323, 324, 341, 504
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Sanjay Kumar Sharma, Anil Kumar Singh

Final Decision: Disposed Of

Judgement

1. Heard Mr. Sanjay Kumar Sharma, learned counsel for the petitioner and Mr. Anil Kumar Singh No. 1, learned Additional Public Prosecutor

(hereinafter referred to as the "APP"™) for the State.

2. The petitioner apprehends arrest in connection with Paras Bigha PS Case No. 208 of 2019 dated 08.10.2019 (G.R. No. 2030 of 2019), instituted under Sections 341/323/324/307/504/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is that in an inebriated state, the informant while returning from Durga Puja mela was insulted and her hand was caught and when she shouted to her father he came and the petitioner, along with others, was holding the father of the victim who received blow on the head by another co-accused.

4. Learned counsel for the petitioner submitted that he has been falsely implicated and has no connection with the person who had caught the hand of

the informant or who had assaulted and in fact there was some hot-talk between the parties and the petitioner had gone to mediate. Learned counsel further submitted that no injury report has been brought before the police and, thus, the whole story is concocted. Learned counsel submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the petitioner had caught hold of the father of the victim but did not controvert that the allegation of assault on the head by iron rod is against another co-accused.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in Paras Bigha PS Case

No. 208 of 2019 (G.R. No. 2030 of 2019), subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further

(i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good

behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity,

act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the

bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each

and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail

bonds.

7. The application stands disposed off in the aforementioned terms.