

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34022 of 2021

Arising Out of PS. Case No.-332 Year-2019 Thana- DIGHWARA District- Saran

=====

Tarak Ram Son of Late Tulo Ram Resident of Village - Basti Jalal, P.S.-
Dighwara, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 341, 324, 307, 354(B), 380 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in short, is that the accused persons including the petitioner came with *lathi, danda, rods, farsa, gadasa and desi kattha* and started abusing and assaulted the informant's side person. The allegation against the petitioner is that he assaulted with rod on the body of the informant.



Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that the date of occurrence is alleged in the complaint/F.I.R. is 10.09.2019 but the present complaint has been filed on 21.09.2019 which was instituted as F.I.R. on 21.10.2019. He further submits that in fact the family members of the petitioner has filed an F.I.R. against the informant and his family members on 12.09.2019 and the allegation as alleged in the F.I.R./complaint petition against the petitioner does not support the medical evidence and it suggests that all the injuries are simple in nature caused by hard and blunt substance. Similarly situated co-accused persons have been granted anticipatory bail by the learned court below itself.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, 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 Court below where the case is pending in connection with Dighwara P.S. Case No. 332 of 2019, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner 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 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)

Ibrar//-

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

