

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26386 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- CHHATAUNI District- East Champaran

Rakesh Sahani Son of Rajdev Sahni Resident of Village - Bada Bariyarpur,
P.s.- Chhatauni, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
341, 323, 307, 353, 332, 504 of the Indian Penal Code.

According to prosecution case, all the F.I.R. named
accused persons including this petitioner and 30-40 unknown
persons assaulted the informant and police officials with lathi
and they pelted brick and stone, due to which constable Ranvir
Paswan and Harishankar Rai sustained injuries and accused
persons also damaged the police vehicle and they further caused
hindrance in due discharge of official duty by the informant and
police officials.



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 it appears from the F.I.R. that there is no specific allegation of overt act or assault against the petitioner. He further submits that there is general and omnibus allegation against accused persons including the petitioner. He further submits that similarly situated, co-accused, namely, Lija Devi has been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 21.07.2022 passed in Cr. Misc. No. 65029 of 2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Chhatauni P.S. Case No. 146 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 witnesses, 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)

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