

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40914 of 2022

Arising Out of PS. Case No.-208 Year-2020 Thana- BANIAPUR District- Saran

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ROHIT KUMAR @ ROHIT KUWAR S/O PRAMOD KUMAR @
PRAMOD KUMAR KUWAR Resident of Village- Bangara Nadipar, P.S.-
Baniapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-12-2022 Learned counsel for the petitioner is permitted to

remove the defect (s), as pointed out by the office, if any,

within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
341,504,385,307/34 of IPC and 27 of Arms Act.

The prosecution case, in short, is that the
allegation against co-accused Rohul Kunwar is that he used
to demand Rangdari money of Rs. 20,000/- from the
informant for which the informant made complain before
the S.P., Saran. Further allegation is that on the order of co-



accused Ranvir Singh, co-accused Rahul Kumar fired on the father of the informant but pellet did not hit the father of the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR that there is direct allegation of firing is against co-accused Ranvir Singh and co-accused Rahul Kumar and the specific allegation of demanding extortion of money is against co-accused Rohul Kunwar and there is no specific allegation of any assault or any overt-act or demanding Rangdari against the petitioner and at best the petitioner was accompanying with the co-accused persons as per FIR and during investigation no cogent material has come against the petitioner.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR but fairly submits that no cogent material has come during investigation against the petitioner and the petitioner carries one more case other than the present one.



Considering the aforesaid facts, 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 (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 Baniyapur P.S. Case No. 208 of 2020, 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedents, 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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