

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45022 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- BHAGWANPUR District- Begusarai

Md Shansha Son of Md. Anwarul Resident of Village - Nurpur Banhara, P.s.-
Bhagwanpur, Dsitt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 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 is apprehending his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 504, 307 and 353 of the Indian Penal Code.

According to Prosecution, on 05.05.2022 at about
9.00 A.M. the Bhagwanpur officer in-charge got information
that in village Banhara, there is fighting between the two groups
thereafter he proceeded along with police party to verify the
same after reaching there the police party attempted to settle the
dispute but they began to disturb the police party. Thereafter,
informing the senior police officer he lodged the present case



against first party Shivam Matho and ten others and second party Md. M. Jahid and six others including the petitioner as they commit assault with police personnel and used force to deter public servants to discharge of their duties.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is general and omnibus allegation against all the accused persons and there is no specific allegation of any assault or any overt act against the petitioner and co-accused Md. Adil has been granted the privilege of anticipatory bail vide order dated 02.11.2022 passed in Cr. Misc. No. 39857 of 2022 and the case of the petitioner is at similar footing.

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 or 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 Bhagwanpur P.S. Case No. 83 of 2022,



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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