

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46208 of 2022

Arising Out of PS. Case No.-422 Year-2015 Thana- MOTIHARI TOWN District- East
Champanan

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Sanjeev Kumar Son of Late Kapildeo Narayan Kunwar Resident of Mohalla -
Gayatri Nagar, P.S. - Motihari Town, District - East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 343, 323,
379, 386, 420 and 120B of the Indian Penal Code.

According to the prosecution case, when the
informant went to the house of the petitioner to take the amount,
the petitioner along with other co-accused persons caught the
informant and assaulted him by Pistol over his head.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the informant has supplied stone chips and
sand in question to the petitioner as per the understanding



between them. He further submits that the police after investigation submitted the final form under Sections 323 and 504 of the Indian Penal Code against the petitioner and the learned Court below vide order dated 08.07.2016 differing with the final form has taken cognizance against the petitioner under Sections 342, 323, 379, 386, 420 and 120B of the Indian Penal Code. He further submits that it appears from the entire record that the petitioner has never served any summons from the Court below (Annexure- 5) and when he came to know about the present case, then he moved to learned Court below for grant of anticipatory bail.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Motihari Town P.S. Case No. 422 of 2015, 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 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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