

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14090 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- BALIYA District- Begusarai

SONU RASTOGI @ SUNIL ANAND S/O PARMANAND RASTOGI
Resident of Village- Chhoti Ballia, P.S.- Ballia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Ballia P.S. Case No. 142 of 2022 instituted under Sections 147, 148, 149, 341, 323, 342, 447, 352, 308, 379, 504, 506, of the Indian Penal Code lodged on 29.05.2022 by the informant Vikash Kumar.

As per the prosecution story, the allegation against the petitioner is that the petitioner along with others armed with lathi-danda and deadly weapon surrounded the informant and his father in the garden. Further they abused the informant's father and asked him why earlier demand of Rangdan Tax of Rs five lakh was not paid by his owner. On objection, they ordered to kill him, then, the co-accused Parmanand Rastogi assaulted



the informant's father with butt of pistol on his head. Further the petitioner and others brutally assaulted the informant's father, so he became senseless. Lastly they threatened the informant and his owner to be killed in case of non-fulfilment of Rangdar Tax of Rs five lakh within a week. They also assaulted the owner of informant

It has been contended by the learned counsel for the petitioner that there is a case and counter case in the matter. The allegation is omnibus in nature and the order-sheet of the learned Sessions Judge shows that it has not been recorded as grievous, rather the opinion has been reserved.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned AAP opposes the prayer stating that allegation of assault amongst other and the petitioner.

Consider the fact that there is a case and counter case,



omnibus allegation is against the petitioner and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail, subject to payment of Rs.15,000/- as undertaken by him.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Ballia P.S. Case No. 142 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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