

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24423 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- BEERPUR District- Begusarai

RAM KUMAR @ RAMJEEVAN KUMAR SON OF RAJENDARA
MAHTO R/O VILLAGE- KHARMAULI, P.S.- BIRPUR, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-10-2023 Heard Mr. Prem Kumar, learned counsel for the

petitioner and Mr. Tarkeshwar Nath Thakur, learned A.P.P. for

the State.

The petitioner apprehends his arrest in Birpur P.S.

Case No. 148 of 2022 registered for the offence under

Sections 147, 341, 323, 307, 379, 385, 504 and 506 of the

Indian Penal Code.

The petitioner is alleged to have assaulted the

informant by means of butt of the pistol on his head and

another accused person committed loot of cash of the

informant.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 30.10.2022 whereas the instant F.I.R. has been lodged on 01.11.2022 after lapse of two days without any explanation. He further submits that on bare perusal of the F.I.R., it appears that there is no specific allegation of assault or any overt act is attributed to the petitioner rather there is general and omnibus allegation attributed to the accused persons including the petitioner. Moreover, two co-accused both names are Rahul Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 28.07.2023 and 12.07.2023 passed in Cr. Misc. No. 18149 of 2023 and Cr. Misc. No. 22858 of 2023 respectively and the case of this petitioner stands on similar footing.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that petitioner has assaulted the informant by means of butt of pistol on his head causing him injury but he fairly submits



that on the same set of allegation, two co-accused persons have been granted bail by a co-ordinate Bench of this Court.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Chief Judicial Magistrate, Begusarai in connection with Birpur P.S. Case No. 148 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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