

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47601 of 2023

Arising Out of PS. Case No.-486 Year-2022 Thana- KISHANGANJ District- Kishanganj

Falen Das @ Fulen Das Son Of Chuni Lal Das Resident Of Village-
Faringola, P.S. Kishanganj, District- Kshanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, A PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard Mr.Ram Prawesh Kumar, learned counsel
for the petitioner and Mr.Brajendra Nath Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kishanganj P.S.Case No.486 of 2022, FIR dated 12.12.2022 registered for the offences punishable under Sections 341,323,307,504,506/34 of IPC. Later on Section 302 of IPC was added.

3. Allegation against the petitioner and other co-accused persons is that they started abusing to the informant and his family members and when the father of the informant prohibited from abusing and they caught the throat of the father of the informant and badly beaten up due to which the



father of the informant fell down. When the informant went to save his father all the accused persons also beaten up and accused Sone Lal Das hit the informant in the right eye with a stick and also hit by *Fatta* on the right hand and father of the informant was badly beaten up by all the accused persons. During course of treatment, the father of the informant died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons and there is specific allegation of assault to one co-accused Sone Lal Das who has assaulted to the informant and there was no intention to kill the father of the informant and due to spur of moment the present occurrence had taken place.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. 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 Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S.Case No.486 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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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