

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56076 of 2023

Arising Out of PS. Case No.-538 Year-2021 Thana- RAHUI District- Nalanda

Sujeet Kumar S/O Vinod Prasad @ Vinod Yadav R/O Village- Musepur, P.S-
Rahui (BHAGAN Bigha), Distt.- Nalanda. Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Pramod Kumar Sinha, learned counsel

for the petitioner and Ms. Shaheen Begum, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhaganbigha P.S. Case No. 538 of 2021, F.I.R. dated 24.10.2021 for the offences punishable under Sections 448, 323, 324, 354, 354A, 379, 308, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner who is driver of the informant, armed with deadly weapons entered into the house of the informant and brutally assaulted the husband of the informant and also snatched gold ornaments from the informant and fled away.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present 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 offences as alleged in the F.I.R. He further submits that the F.I.R is in two parts, according to part one, there is specific allegation against the petitioner that he has assaulted the informant and according to part two, all the accused persons have assaulted the husband of the informant due to which he sustained injuries. He further submits that from perusal of the F.I.R it appears that there is no specific allegation against the petitioner that he has assaulted the husband of the informant rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection



with Bhaganbigha P.S. Case No. 538 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

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 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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