

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70839 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- VAISHALI District- Vaishali

Rakesh Ram @ Rakesh Kumar S/O Kameshwar Ram R/O Village-
Shahjahanpur, P.S And Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mrs.Bela Singh, learned counsel for the

petitioner and Mr.Narendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vaishali P.S.Case No.113 of 2023, FIR dated 21.03.2023 registered for the offences punishable under Sections 147,148,149,323,379,307,504,506 of IPC and Section 27 of the Arms Act.

3. The prosecution case, on the basis of the First Information Report, is that due to some dispute regarding collision of bicycle, the petitioner assaulted the informant, due to which he sustained injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. Further submits that from a bare perusal of the it appears that the date of occurrence as alleged in the FIR is 07.03.2023 but the present FIR has been instituted on 21.03.2023. In fact the family members of the petitioner has already filed an FIR bearing Vaishali P.S.Case No. 112 of 2023 and statement of the informant was recorded on 09.03.2023 but the FIR has been instituted on 21.03.2023 and after knowing that the FIR has been instituted against the informant then they have filed the present FIR against the petitioner and other co-accused persons. Further submits that from a bare perusal of the FIR it appears that there is specific allegation against the petitioner is that he assaulted with iron rod to the informant and the injury report of the informant, namely, Birendra Ray suggests that the injury is simple in nature caused by hard and blunt substance and the co-accused persons, namely, Sanjeev Kumar @ Sanjeet Kumar and Dinesh Ram @ Dineshwar Ram have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court vide orders dated 03.08.2023 and 30.08.2023 passed in Cr. Misc. Nos.40589 of 2023 and 55037 of 2023 respectively.

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



petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is case and counter case and injury received by the informant is simple in nature and other co-accused persons have been granted privilege of anticipatory bail, 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 Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Vaishali P.S.Case No.113 of 2023, 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 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/her 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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