

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73862 of 2023**

Arising Out of PS. Case No.-226 Year-2022 Thana- JHAJHA District- Jamui

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Munna Kumar @ Munna Yadav Son Of Suresh Yadav Resident Of Village -
Karhara, P.S. - Jhajha, District - Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 09-11-2023 Heard Mr. Satya Prakash Parasar, learned counsel for
the petitioner as well as Md. Nazir Ansari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Jhajha P.S. Case No.226 of 2022 , F.I.R. dated
10.06.2022 registered for the offence punishable under Sections
147, 149, 448, 341, 323, 307, 354, 385 and 506 of the Indian
Penal Code.

3. The prosecution case, in short, is that on 10.6.2022
in the morning, the accused persons named in the F.I.R. after
forming an unlawful assembly arrived at the house of the
informant and they started to demand Rangdari of Rs.1,00,000/-



from the informant. The accused persons further started teasing the female members of family, and when the informant as well as his son Rupesh Kumar protested the aforesaid act of the accused persons, the accused persons suddenly caught hold of the son of the informant, Rupesh Kumar and have brutally assaulted him who is still under treatment. After the incident, the accused persons left the P.O. giving threatening to the informant that if the informant would lodge any case, he would face dire consequences. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner that they all have assaulted the son of the informant. Further submits that the injury report suggests that the injuries are simple in nature.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner. Further submits that petitioner carries four criminal antecedents other than the present one, but fairly submits that paragraph-3 of the petition petitioner is on bail in all the



pending cases.

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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No.226 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 absence on two consecutive dates without sufficient reason, his 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 anticipatory 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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