

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75632 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- HASANGANJ District- Katihar

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Rounak Kumar @ Rounak Kumar Chouhan Son Of Sanjay Kumar Chauhan
@ Sanjay Kumar Chouhan Resident Of Village- Devnathpur, Theghwa, Ps-
Hasanganj, Distt- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr.Rajendra Prasad Sah, learned counsel for

the petitioner and Mr.Ajit Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Hasanganj P.S.Case No.98 of 2022,FIR dated
18.08.2022 registered for the offences punishable under
Sections 147,148,149,341,342,307,323,379,325,504,506 of
the IPC.

3. The prosecution case, as stated in FIR, in brief, is
that on 17.08.2022, co-accused persons named in FIR
including the petitioner forming an unlawful assembly armed
with lathi, danda and sword came to informant and brutally
assaulted him with intention to kill him and they also



assaulted his brother.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against the petitioner and the specific allegation of assault or overt-act is attributed against co-accused persons, namely, Subodh Chauhan and Suryodaya Chouhan and the co-accused persons, namely, Bhavesh Kumar @ Bhavesh Chouhan, Abhishek Chouhan @ Abhishek Kumar and Vivek Kumar Chauhan @ Vivek Kumar, Ajay Kuamr @ Ajay Chauhan, Prashant Chauhan, Raushan Kumar Chauhan @ Raushan Kumar, Kameshwar Chauhan have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court vide orders dated 11.05.2023 and 08.06.2023 respectively passed in Cr. Misc. Nos.12914 of 2023 and 18429 of 2023.

5. Learned A.P.P. for the State 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 J.M.-1st Class, Katihar in connection with Hasanganj P.S.Case No.98 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 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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