

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76010 of 2023

Arising Out of PS. Case No.-314 Year-2022 Thana- DARIYAPUR District- Saran

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Dharmendra Thakur Son Of Late Kameshwar Thakur Resident Ofvillage
Jagdispur, P.S. Dariyapur, District Saran Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Avinash Kumar Pandey, learned counsel
for the petitioner and Mr. Nityanand, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Dariyapur P.S. Case No. 314 of 2022, F.I.R. dated 07.06.2022 registered for the offences punishable under Sections 341, 307, 323, 379, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons started abusing and assaulted the informant by means of lathi, danda on his head due to which he sustained head injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that from



perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 28.05.2022 but the present F.I.R. was instituted on 07.06.2022 after delay of about ten days without giving any explanation of delay. He further submits that there is case and counter case between the parties and there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Saran at Chapra in connection with Dariyapur P.S. Case No. 314 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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