

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3952 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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Suraj Kumar Son of Surendra Kumar @ Surendra Prasad @ Suresh Prasad
R/o Village Dhaka, Ramchandra Dhaka, P.S. Dhaka, East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarandha Suman, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Sarandha Suman, learned counsel for the
petitioner and Mr. Dilip Kumar No. 1, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Kundwa Chainpur P.S. Case No. 162 of 2023, F.I.R. dated 09.10.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 353 and 504 of the Indian Penal Code.

3. Allegation against the petitioner is that he apprehended by police and refused to be checked by BAM and through phone call he called 20 to 25 associates, who assaulted the police parties causing injuries and the apprehended persons escaped with these persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 offence as alleged in the F.I.R. and the petitioner is not known the persons who have assembled before the police and the petitioner has no concern at all with the present occurrence and the petitioner has been implicated only on the basis of suspicion.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

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 Judicial Magistrate 1st Class, Sikarhana (Dhaka), East Champaran in connection with Kundwa Chainpur P.S. Case No. 162 of 2023, 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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