

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6830 of 2024

Arising Out of PS. Case No.-202 Year-2021 Thana- JADIA District- Supaul

Narayan Rishi @ Narayan Rishideo S/O Bhola Rishi, Village- Sakin
Harinaha, Ward No. 13, PS. Jadiya, Dist. Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Pramod Mishra, the learned counsel for
the petitioner and Mr. Rajendra Prasad Nat, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Jadiya PS Case No. 202 of 2021, FIR dated
23.09.2021, registered for the offences punishable under
Sections 341, 323, 354, 307, 379, 504 and 506 read with Section
34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along
with other co-accused persons assaulted the informant and her
family members due to which the informant sustained rupture
wound on her neck and her father-in-law sustained cut injury on
his cheek. It is further alleged that one Lalo Rishideo also
snatched Rs. 5000/- from the husband of the informant and

Bablu Rishi snatched a silver chain from the neck of mother-in-law of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 16.09.2021 while the FIR was instituted on 23.09.2021, after a delay of around seven days without giving any explanation of delay. He further submits that upon perusal of the FIR, it appears that there is specific allegation of assault attributed against the petitioner that he assaulted the informant by means of iron-rod, but the injury report of the informant does not support the allegation as in the FIR, rather it suggests that although she has received the injury but the same is simple in nature caused by a hard and blunt object.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is delay of around seven days in lodging of the FIR and the fact that injury of the informant was found to be simple in nature, let the petitioner, above-named, in the event of his arrest or

surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Supaul, where the case is pending in connection with **Jadiya PS Case No. 202 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 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 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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