

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7354 of 2024

Arising Out of PS. Case No.-1451 Year-2023 Thana- PHULWARISHARIF District- Patna

Banty Ray @ Banty Kumar Son Of Binay Yadav @ Daya Ray @ Dayanand
Ray Resident Of Village-Khalilpura ,P.S.-Phulwarisharif, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Sahay, Advocate
For the State : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Akhauri Sahay, learned counsel for the

petitioner and Md. Ataur Rahman, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Phulwarisharif P.S. Case No. 1451 of 2023, F.I.R. dated 09.10.2023 for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons is said to have assaulted the informant by means of *lathi*, *danda* and iron rod.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from bare perusal of the



FIR it appears that there is no specific allegation of any assault or overt act is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons. He further submits that the co-accused person, namely, Vikas Kumar has been granted anticipatory bail by the learned District and Sessions Judge vide order dated 11.12.2023 passed in A.B.P. No. 10462 of 2023 and the bail of the petitioner was rejected merely on the ground that the petitioner having two criminal antecedents. He further submits that in both of the cases the petitioner is on the bail.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned A.C.J.M.-XIV, Patna in connection with Phulwarisharif P.S. Case No. 1451 of 2023, 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 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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