

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6711 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- BHARGAMA District- Araria

NIRAJ SAH @ NEERAJ KUMAR S/o Late Chandrakishor Sah Resident of
Village-Hingwa Ward No.-12, P.S.-Bhargama, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha,Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr.Gopal Kumar Jha, learned counsel for the

petitioner and Mr.Uma Shankar Prasad Singh,learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhargama P.S.Case No.188 of 2023,FIR dated 10.07.2023 registered for the offences punishable under Sections 341,323,324,307,447,354(B),379,504,506/34 of IPC.

3. According to prosecution case, on 08.07.2023, when the daughter of the informant was cooking food in the courtyard, in the meantime, the accused persons including the petitioner suddenly came into the courtyard of the informant and started abusing and beating the informant's daughter with slaps and sticks.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears 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 that the petitioner was also involved in the present occurrence and it appears from the FIR that the specific allegation of assault are attributed against co-accused persons, namely, Santsevi Sah and Aman Sah and there is case and counter case.

5. Learned A.P.P. for the State, on the other hand, 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 Judicial Magistrate-1st Class, Araria in connection with Bhargama P.S. Case No.188 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/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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