

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9867 of 2024

Arising Out of PS. Case No.-165 Year-2021 Thana- SUPAUL District- Supaul

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Raju Kumar @ Raju Ray S/O- Harinandan Ray R/O- Village- Baruari
(madhuban Tola) P.S.- Supaul, Dist.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-02-2024 Heard Mr. Arun Kumar Jha, learned counsel for the

petitioner and Mr. Abhay Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Supaul P.S. Case No. 165 of 2021, F.I.R. dated 01.03.2021 for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 384, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner armed with weapon have assaulted the informant and his father causing injury to both of them. It is further alleged that they have also looted the construction equipment from the land 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the police after investigation submitted a final form and exonerated the petitioner from the charges levelled against him in the F.I.R but the learned Chief Judicial Magistrate, Supaul differing with the final form of the prosecution has taken cognizance against the petitioner vide order dated 11.10.2022.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and police has exonerated him from the charges levelled against him, 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 Judicial Magistrate 1st Class, Supaul in connection with Supaul P.S. Case No. 165 of 2021, 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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