

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9991 of 2024

Arising Out of PS. Case No.-257 Year-2020 Thana- PARAIYA District- Gaya

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MUKESH KUMAR @ MUNNA S/O MANOJ KUMAR SHARMA @
MANOJ SHARMA R/O VILLAGE- SALEMPUR, P.S- PARAIYA, DISTT.-
GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Paraiya P.S. Case No. 257 of 2020 for the offence registered under sections 427, 379 and 34 of the Indian Penal Code lodged on 04.11.2020 by the informant, Sahdev Kumar.

3. As per the prosecution story, the informant alleged that while he was going to the cremation ground to attend his father's funeral, the accused persons including this petitioner intercepted and wanted to pay tax to use the said road and upon refusal, they broke the wind shield of the car. The further allegation is of taking Rs. 20,000/-. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that it is



unnatural for anyone to stop those who are going to attend funeral much less the son. Since, he was known to them and has criminal antecedents, implicated.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to pay Rs. 20,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has criminal antecedent.

7. Though it is unfortunate that the informant had to file FIR on the day his father was going to be cremated, considering the fact that the occurrence is of 02.11.2020 whereas the FIR was lodged 48 hours later, on 04.11.2020, there is delay in the lodging of the FIR, further the petitioner has narrated the delay in coming to the Court as he was in custody in different criminal case, FIR lodged, ultimately he will face the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 20,000/-, as stated above.



8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Gaya in connection with Paraiya P.S. Case No. 257 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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