

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12246 of 2024**

Arising Out of PS. Case No.-164 Year-2023 Thana- KAMTAUL District- Darbhanga

Md. Raja @ Rajaur Rahman @ Raja S/O Md. Moti @Motiur Rahman, R/O  
Village- Hariharpur Tola Malpatti, PS.- Kamtaul, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Virendra Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      22-02-2024                      Heard Mr. Virendra Kumar, the learned counsel for  
the petitioner and Mr. Shyam Kumar Singh, the learned  
Additional Public Prosecutor for the State.

2.              The petitioner is apprehending his arrest in  
connection with Kamtaul PS Case No. 164 of 2023, FIR dated  
24.07.2023, registered for the offences punishable under  
Sections 147, 148, 149, 152, 341, 342, 323, 186, 324, 307, 353,  
332, 333, 297, 295(A) and 120(B) of the Indian Penal Code.

3.              According to prosecution case, when the informant  
and other police personnel tried to pacify a dispute between two  
communities regarding cremation land, the were pelted stones  
and their vehicles also got damaged. It is further alleged that  
some personnel got injured in the process who were then sent to  
hospital for treatment. It is further alleged that with the help of



videography and local chowkidar 33 persons including the petitioner were identified along with 200 to 250 unknown persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. In fact, the petitioner was not present at the place of occurrence. He further submits that upon perusal of the FIR, it appears that there is no specific allegation against the petitioner in the FIR, and the co-accused person namely, Abdul Basit and others and Laxman Paswan and others have been granted bail by a co-ordinate Bench of this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 6056 of 2024 and Cr. Misc. No. 7416 of 2024 respectively.

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 similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court, 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 Judicial Magistrate 1<sup>st</sup> Class, Darbhanga/Concerned Court, where the case is pending in connection with **Kamtaul PS Case No. 164 of 2023**, 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)

Shahnawaz/-

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