

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15000 of 2024

Arising Out of PS. Case No.-304 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Balram Kumar Roy @ Balram Kumar Ray Son of Chandra Bhushan Ray
Resident of Village- Rannuchak, P.S.- Nath Nagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Shankar Singh, Advocate
	:	Mr.Aditya Nath Pandey, Advocate
For the Opposite Party/s	:	Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr.Uday Shankar Singh, learned counsel for
the petitioner and Mr.Rajendra Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nathnagar P.S.Case No.304 of 2022,FIR dated 10.05.2022 registered for the offences punishable under Sections 147, 148, 149, 379, 427, 384, 341, 342, 323, 307, 324, 504, 506 of the IPC and Section 27 of the Arms Act.

3. Allegation against the petitioner and other accused persons is that they assaulted to the informant and his men with iron rod, fousa and lathi, danda.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. 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 specific allegation of assault attributed against co-accused persons, namely, Nayan Kumar Rai, Awanish Kumar Rai, Amarjeet Rai, Suraj Kumar and Tuntun Rai and there is no specific allegation of any assault or overt-act attributed against the petitioner at best the petitioner is a member of the mob and the co-accused persons, namely, Pushkar Rai and Ors have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.02.2023 passed in Cr. Misc. No.64712 of 2022.

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, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and the co-accused persons have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, 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 Addl. District Judge-XI, Bhagalpur in connection with Nathnagar P.S.Case No.304 of 2022, 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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