

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14874 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- ISUAPUR District- Saran

Munna Kumar S/o Sri Shyam Sundar Sah @ Shyam Sundar Prasad @ Shyam Sundar Gupta, R/o vill - Sahwan, P.S. - Ishuapur, Distt. - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Ishuapur PS Case No. 319 of 2023, FIR dated 12.12.2023, registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, during a Panchayati, which was called for to settle previous dispute between the informant and one Rakesh Sah, the accused persons along with the petitioner assaulted the informant by means of iron-rod, and *dab* due to which he sustained injury on head and fell down. It is further alleged that the shop of the informant was

looted by the accused persons. It is lastly alleged that the accused persons reached at PHC, Ishuapur and again assaulted the informant.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the specific allegation of assault is attributed against co-accused persons namely, Rohitas Kumar and Vivek Kumar and at best the petitioner may be considered as member of the mob.

5. The learned counsel for the Informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and the petitioner carries one more criminal case other than the present one, but fairly admits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the

learned trial Court, 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-1st Class, Saran at Chapra, where the case is pending in connection with **Ishuapur PS Case No. 319 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 learned trial Court.

(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 learned trial 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 learned trial Court 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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