

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14859 of 2024

Arising Out of PS. Case No.-105 Year-2020 Thana- KARAKAT District- Rohtas

Ashok Ram Son of Suresh Ram, R/o Village- Ghusiya Kala, PS- Bikramganj,
Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Rajani Kant Singh, the learned counsel
for the petitioner and Mr. Nand Kishore Prasad, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Karakat PS Case No. 105 of 2020, FIR dated
20.06.2020, registered for the offences punishable under
Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal
Code.

3. According to prosecution case, the accused persons
variously armed came at the house of the informant and dragged
him out of his house and assaulted him. It is further alleged that
the accused persons also assaulted the cousin of the informant
and both of them sustained head injury.

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 upon 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 general and omnibus allegation against all the accused persons including the petitioner. He lastly submits that the co-accused person namely, Manoj Singh @ Manoj Kumar Singh has been granted anticipatory bail vide order dated 07.03.2022 passed in Cr. Misc. No. 28790 of 2021.

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, there is no specific allegation of any assault or overt act attributed against him and a similarly situated co-accused person has 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 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 Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas, where the case is pending in connection with **Karakat PS Case**

No. 105 of 2020, 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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