

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17980 of 2024

Arising Out of PS. Case No.-273 Year-2023 Thana- PARBATTa District- Khagaria

Lalan Rai Son of Late Badri Rai Resident of Village-Nayagaon Shiromani
Tola, Police Station-Parbatta, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Vivekanand Singh, learned counsel for
the petitioner and Mr. Brajendra Nath Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 273 of 2023, F.I.R. dated 18.06.2023 for the offences punishable under Sections 147, 148, 341, 323, 307, 324, 325, 504, 506 and 379 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner armed with weapon have assaulted the informant and her family members and also snatched a gold ring worth Rs. 1,25,000/- .

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case due to admitted land disputes between the parties. He further submits that both the parties are agnate. He further submits that from perusal of the F.I.R it appears that there is no allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that the petitioner is named in the F.I.R and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Sub Divisional Judicial Magistrate, Khagaria in connection with Parbatta P.S. Case No. 273 of 2023, 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 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)

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