

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17905 of 2024

Arising Out of PS. Case No.-413 Year-2023 Thana- EKMA District- Saran

Rambalak Sharma S/O- Gautam Sharma R/O- Village- Rith, P.S.- Ekma,
Dist.- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr.Anjani Parashar,learned counsel for the

petitioner and Mr.Jai Narain Thakur, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ekma P.S.Case No.413 of 2023,FIR dated 03.10.2023 registered for the offences punishable under Sections 341,323,325,307504 and 506 of IPC.

3. Allegation against the petitioner is that he assaulted to the informant by means of bricks, stones fists and slaps causing injury on his head.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. As per allegation in the FIR that the petitioner has assaulted to the informant and he has received



the injury. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 30.09.2023 but the present FIR has been instituted on 03.10.2023 and the informant has been examined on 03.10.2023 and from a bare perusal of the injury report it appears that the Doctor has mentioned in the injury report the time within six hours. Learned counsel for the petitioner submits that how can it possible that when the occurrence had taken place on 30.09.2023 and the medical examination was conducted on 03.10.2023 the Doctor has wrongly recorded and it appears that the injury report is manipulated one.

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, 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 Additional Chief Judicial Magistrate-IX, Saran at Chapra in connection with Ekma P.S.Case No.413 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/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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