

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19828 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- ALOULI District- Khagaria

Vikash Mukhiya S/O Shri Lakhan Mukhiya R/O Village- Chikni, P.S- Alouli,
Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Ranjeet Kumar Singh, learned counsel
for the petitioner and Mr. Parmanand Kumar, learned APP for
the State.

2. The petitioner is apprehending his arrest connection with Alouli P.S. Case No. 424 of 2023, G.R. No. 3083 of 2023, F.I.R. dated 06.09.2023 registered for the offences punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted the informant due to which he sustained injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. that the petitioner and other co-accused



person namely Lakhan Mukhiya caught hold the informant and other co-accused person have assaulted the informant. He further submits that there is no allegation of any assault or overt act against the petitioner and there is case and counter case between the parties.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act against the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alouli P.S. Case No. 424 of 2023, G.R. No. 3083 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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