

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20812 of 2024

Arising Out of PS. Case No.-353 Year-2022 Thana- BIHIA District- Bhojpur

SAROJ SINGH @ SAROJ YADAV SON OF TUNTUN YADAV @ SUNIL
KUMAR R/O VILLAGE-AMAI, P.S.-PIRO, DISTT.-BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Niraj Kumar Singh, learned counsel for the
petitioner and Mr. Kanhiya Kishor, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Bihiya P.S. Case No. 353 of 2022, F.I.R. dated 31.12.2022 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 has assaulted Kalawati Devi who is sister-in-law of the informant due to which she sustained injury on her head.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



He further submits that as per allegation in the F.I.R. the petitioner has assaulted Kalawati Devi who is sister-in-law of the informant but the medical report of the sister-in-law of the informant does not support the allegation as alleged in the F.I.R.

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 the medical evidence does not support the allegation as alleged in the F.I.R., 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, Bhojpur at Arrah in connection with Bihiya P.S. Case No. 353 of 2022, 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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