

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18410 of 2024

Arising Out of PS. Case No.-663 Year-2022 Thana- GHORASAHAN District- East
Champaran

Hari Shankar Rai Son of Late Ram Dewan Rai Resident of Village - Dhum
Nagar, P.S.- Ghorasahan, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar No.III, Advocate
For the Informant	:	Mr. Jainendra Kumar Pushkar, Advocate
For the State	:	Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Sunil Kumar No. III, learned counsel for
the petitioner, Mr. Jainendra Kumar Pushkar, learned counsel
appearing on behalf of the Informant and Mr. Md. Nazir Ansari,
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Ghorasahan P.S. Case No. 663 of 2022, F.I.R.
dated 07.12.2022 registered for the offences punishable under
Sections 302, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he killed
the son of the informant after assaulting him.

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 from



perusal of the F.I.R. it appears that there is specific allegation against co-accused persons namely Kalawati Devi and Suraj @ Surat and there is no specific allegation of any assault or overt act attributed against this petitioner rather there is general and omnibus allegation against the petitioner.

5. Learned counsel for the Informant as well as learned APP for the State vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and he has participated in the present crime in question.

6. Considering the facts and circumstances of the case, let the petitioners, 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 SDJM, Sikrahna at Dhaka, East Champaran, in connection with Ghorasahan P.S. Case No. 663 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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