

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19918 of 2024**

Arising Out of PS. Case No.-70 Year-2022 Thana- BASOPATTI District- Madhubani

S Surendra Das @ Bonai Das @Benai Das SON OF NATHUNI DAS R/O
VILL-GHAT MADHIYA, PS-BASOPATTI, DIST-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-04-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Basopatti P.S. Case No. 70 of 2022 for the offence under Sections 379, 307 and 34 of the I.P.C. and under Section 27 of the Arms Act lodged on 20.03.2022 by the informant, Narendra Narayan Yadav.

3. As per the prosecution story, the informant alleged that one Ramu Mahto came to his house and taken away his son Sujeet Kumar for a meal but later, when he called his son, he was informed that Pavitar Das and Raju Das have opened fire causing injury to him. Allegation against this petitioner was/were that he snatched watch and Rs. 5,000/-. His son was shifted to Basopatti Hospital and then to Darbhanga to a private hospital for better treatment. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that due to enmity such kind of allegation has come and secondly, even otherwise, allegation is on Pavitar Das and Raju Das and extended allegation against him is of snatching money and watch. The further submission is that Pavitar Das has been extended the benefit of anticipatory bail vide order dated 03.07.2023 in Cr. Misc. No. 23985 of 2023 by a coordinate Bench (Annexure-P/2).

5. Learned APP opposes the prayer stating that his name has also come as a person who snatched the watch and money.

6. Taking into account the aforesaid facts as also that the petitioner do not has any criminal antecedent and Pavitar Das has been extended the privilege of anticipatory bail, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M.-1st Class, Madhubani in connection with Basopatti P.S. Case No. 70 of 2022 subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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