

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23087 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- LALGANJ District- Vaishali

Vijay Sahani S/o Sakal Sahani R/o Lakshminarayanpur, P.S. -
Lakshinarayanpur, Dist. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Archana Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mrs.Archana Sinha, learned counsel for the

petitioner and Mr.Rajesh Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Lalganj P.S. Case No.356 of 2023, FIR dated 12.10.2023, registered for the offences punishable under Sections 341,323,307,504 and 506 of IPC.

3. Allegation against the petitioner is that he alongwith other co-accused persons and some unknown persons surrounded the husband of the informant and accused Manish Kumar assaulted with rod on the head of her husband causing head injury and blood started oozing out.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated



in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather allegation of assault is attributed against co-accused person, namely, Manish Kumar.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and there is no specific allegation of any assault or overt-act attributed 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-cum-ACJM, Vaishali at Hajipur in connection with Lalganj P.S. Case No.356 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 antecedents, 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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