

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23011 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- ALIPUR District- Gaya

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Munna Ram S/o Surendra Ram Resident of Village-Bhairwa, P.S. Alipur,
District- Gaya

... .. Petitioner/s

Versus

The State Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Mohan Das, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr.Brij Mohan Das, learned counsel for the

petitioner and Mr.Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Alipur P.S. Case No.151 of 2023, FIR dated
28.10.2023, registered for the offences punishable under
Sections 341,323,324,307,504,506,379,34 of IPC.

3. Prosecution case, in brief, as per written
information of informant Geeta Devi alleging therein that on
28.10.2023 at about 8.00 PM his son Gopal Kumar was sitting
in his shop in the meantime accused persons namely Munna
Ram, Chunnu Kumar, Arun Kumar, Ravindra, Kusum Devi
came there and started abusing language and throw the material
keep in the shop and started demolish the shop when her son



tried to stop them then they assaulted him and when husband of informant came there to save him then they assaulted in his head by means of sharp edge weapon due to which his head was injured and oozing blood from his head and he became unconscious and on hearing of halla she along with her family members came there to save then they also assaulted them and took away Rs.2500/- from her shop and also taken Gold Jitiya worth of Rs.16,000/-.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and 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 there is general and omnibus allegation against all the accused persons including the petitioner, although, the informant has received the injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR



and apart from the aforesaid the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, 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 Additional Chief Judicial Magistrate-VI, Gaya in connection with Alipur P.S. Case No.151 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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