

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23301 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- TIKAPATTI District- Purnia

Negru Sah @ Chhotu Sah Son of Late Shyam Sah Resident of village Simra
PS Tikapatti District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Sunil Kumar Singh, learned counsel for the
petitioner and Mr. Mohammad Sufyan, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Tikapatti P.S. Case No. 62 of 2023, F.I.R. dated 15.06.2023 registered for the offences punishable under Sections 341, 323, 504, 448, 308, 379, 34 of the Indian Penal Code.

3. Prosecution case, in brief, is that on 12.06.2023 at about 07:00 PM children of Negru Sah @ Chhotu Sah and informant were quarreling and in the meantime, the informant went there to solve the dispute upon which accused Sarwan Kumar Mandal, Bipin Kumar Mandal, Janardan Mandal and Negru Sah came and entered into the house of the informant and started abusing and accused Sarwan Kumar Mandal injured Jyotish Kumar Mandal, husband of the informant with iron rod upon his



head and Bipin Kumar Mandal snatched golden ring from the informant's ear.

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 from perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation of assault is against co-accused Sarwan Kumar Mandal and there is case and counter case between the parties.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts the the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea in connection with Tikapatti P.S.



Case No. 62 of 2023, 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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