

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25362 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- SAHARSA SADAR District- Saharsa

=====

ABHIJEET KUMAR @ ABHIJIT RAJAK S/O OM PRAKASH RAJAK @
BISHOK RAJAK R/O VILLAGE- BHARTIYA NAGAR, WARD NO. 26, P.S
AND DISTT.- SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2024 Heard Mr. Nafisuzzoha learned counsel for the

petitioner and Mr. Nand Kishore Prasad, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Saharsa P.S. Case No. 363 of 2023, F.I.R. dated
10.06.2023 registered for the offences punishable under
Sections 341, 323, 325, 307, 379, 511, 504, 506/34 of the Indian
Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons brutally assaulted the informant
and driver of the tractor with intention to kill them.

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 although the petitioner is named in the F.I.R. and 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 general and omnibus allegation against all the accused persons including the petitioner.

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

6. Considering the aforesaid facts that the petitioner having 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 363 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)

Ibrar//-

U		T	
---	--	---	--

