

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25639 of 2024

Arising Out of PS. Case No.-294 Year-2022 Thana- BARGAINIA District- Sitamarhi

Parwej Alam Khan @ Pravej Alam Khan S/o- Nurain Khan Vill- Akhta Bazar,
ward no. 5 @ Akhtar Bazar, P.S. Bairstania, Dist. Sitamarhi... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr.Santosh Kumar, learned counsel for

the petitioner and Mr.Arun Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bairstania P.S.Case No.294 of 2022,FIR dated 07.10.2022 registered for the offences punishable under Sections 341,323,380,354(B),504,506/34 the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted the mother of the informant by means of kicks and sat on her breast.

4. Learned counsel for the petitioner submits that the 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. From a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 24.09.2022 but the present FIR has been instituted on 07.10.2022 after delay of 13 days without giving any explanation of delay and prior to lodging of present FIR, the wife of the petitioner has already filed Bairgania P.S. Case No.292 of 2021 against the family members of the informant and due to retaliation of that, the present false FIR has been instituted against the petitioner and other family members and from a bare perusal of the FIR it appears that there is no specific allegation against the petitioner.

5. Learned A.P.P. for the State 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 three more cases other than the present one but fairly submits that out of three cases, the petitioner is on bail in two cases and rest one case is pending for consideration, 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 Chief Judicial Magistrate, Sitamarhi/competent Jurisdiction in connection with Bairgania P.S.Case No.294 of 2022, 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 bond shall be cancelled by the Court below.

(II) If the petitioner tampers 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 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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