

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26167 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MUFFASIL District- West Champaran

Rohit Kumar S/o Sri Pramod Kumar Pandey R/o vill - Harpurwa Puraina, P.S.
- Jogapatti, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar...

... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
	:	Mr. Sharad Kumar Verma, Advocate
	:	Mr. Hemant Ray, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2024 Heard Mr. Mr. Umesh Chandra Verma, 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 Bettiah Muffasil P.S. Case No. 74 of 2023, F.I.R. dated 29.01.2023 for the offences punishable under Sections 341, 323, 353, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along with others are said to have assaulted the informant and also snatched gold chain from his neck and Rs.4500/- from his pocket.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that as per the allegation in the FIR it appears that on the instigation of the petitioner, other co-accused persons have assaulted to the informant and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the co-accused person, namely, Sanni Raj has already been granted anticipatory bail by the learned Court below itself.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner.

6. Considering the aforesaid facts that the petitioners have clean antecedents and there is no specific allegation of any assault or overt act is 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 the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 74 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 absence on two consecutive dates without sufficient reason, his 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 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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