

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27059 of 2024

Arising Out of PS. Case No.-273 Year-2023 Thana- PARBATTa District- Khagaria

Rahul Kumar Son of Rampukar Roy, Resident of Village- Nayagaon,
Shiromani Tola, PS- Parbatta, Dist- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 10-04-2024 Heard Mr. Rohit Raj, the learned counsel for the petitioner, the learned counsel for the informant and Ms. Pushpa Sinha.1, the learned Additional Public Prosecutor for the State.
2. The petitioner is apprehending his arrest in connection with Parbatta PS Case No. 273 of 2023, FIR dated 18.06.2023, registered for the offences punishable under Sections 147, 148, 341, 323, 307, 324, 325, 504, 506 and 379 of the Indian Penal Code.
3. According to prosecution case, the petitioner, in intoxicated state, along with other co-accused persons abused the informant and upon her restraint, assaulted her with *lathi*, *danda* and rod. It is further alleged that when the family members of the informant came to her rescue, they were also assaulted by the co-accused persons, due to which they

sustained injuries. It is further alleged that the petitioner stole golden chain of the informant's daughter-in-law worth Rs. 1,25,000/- (Rupees one lakh and twenty-five thousand) and the co-accused persons also stole Rs. 12,000/- (Rupees twelve thousand) from informant's shop.

4. Learned counsel for the petitioner submits that as per allegation in the FIR, the petitioner has abused the informant, thereafter, all the accused persons have assaulted to the family members of the informant and although family members of the informant has received injuries, but upon 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 and co-accused person namely, Lalan Rai, against whom there is similar allegation that he has assaulted to the family members of the informant, has been granted the privilege of anticipatory bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 17980 of 2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR that

petitioner is named in the FIR and he has abused the informant and apart from that the petitioner carries one criminal antecedent other than the present one, however, he fairly admits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner and a similarly situated co-accused person has been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Khagaria, where the case is pending in connection with **Parbatta PS Case No. 273 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial

Court.

(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 trial Court 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 trial Court 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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