

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27159 of 2024

Arising Out of PS. Case No.-479 Year-2021 Thana- HARNAUT District- Nalanda

Deepak Chaudhary @ Deepak Kumar S/O Sevak Chaudhary @ Santosh Chaudhry R/O Village- Porai, P.S- Harnaut, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2024 Heard Mr. Pramod Kumar Sinha, learned counsel
for the petitioner and Mr. Nand Kishore Prasad, learned APP for
the State.

2. The petitioner is apprehending his arrest connection with Harnaut P.S. Case No. 479 of 2021, F.I.R. dated 16.10.2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 337, 338 and 504 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons having lathi, danda in their hands beat the members of Puja Samiti due to which some Puja Samiti members were injured and also used to throw bricks and stones on the police team due to which police has also received injury.

4. Learned counsel for the petitioner submits that for



the same occurrence two F.I.Rs were instituted one by the police and one by the informant. He further submits that the case which was instituted by the police is Harnaut P.S. Case No. 480 of 2021 in which the petitioner is on bail 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 facts and circumstances of the case and the fact that for the same occurrence two F.I.Rs were instituted and in one case the petitioner is on bail and apart from that there is no specific accusation of any assault or overt act 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, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 479 of 2021, 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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