

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28102 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- RAJEPUR District- East Champaran

Lalan Kumar @ Lalaln Kumar S/o Shiv Shankar Rai R/o vill - Nonimal, P.S. -
Rajepur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
	:	Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr.Abhishek Kumar, learned counsel for the
petitioner and Mr.Ashok Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rajepur P.S.Case No.238 of 2023, FIR dated 05.10.2023 registered for the offences punishable under Sections 341,382,323,324,307,413,414,354(B),379,506,34 of the Indian Penal Code.

3. Briefly stated as per the written application of the informant the prosecution story is that on 04.10.2023 at about 07.00 PM, the informant was returning by three wheeler and when she reached nest Nonimal bridge the petitioner along with three persons stopped the informant and started abusing,



therefore on protest the petitioner and other co-accused started assaulting the informant and her sister in law and the petitioner gave knife blow on the neck of the informant and her sister in-law but anyhow both of them save herself. It is also alleged therein that the accused snatched Rs. 900/- and fled away. Thereafter, on 05.10.2023 the informant was going to lodge FIR against the petitioner then in the way all the accused persons along with the petitioner abused and assaulted the informant and when the informant raised an alarm, the villagers gathered there and caught the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he 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. Further submits that from a bare perusal of the FIR it appears that there is general and omnibus allegation against all the accused persons including the petitioner and there is specific allegation of assault attributed against co-accused person, namely, Kundan Kumar.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has



clean antecedent and there is no specific allegation of any assault or overt-act, 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 Judicial Magistrate-1st Class, Sadar at Motihari, East Champaran in connection with Rajepur P.S.Case No.238 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/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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