

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32447 of 2024

Arising Out of PS. Case No.-2 Year-2023 Thana- ARA NAGAR District- Bhojpur

Samir Kumar Srivastava @ Samir Kumar Srivastav @ Kalu S/O Shree Vinay
Lal R/O Mohalla- M.P Bag, P.S- Ara Town, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Adarsh Singh, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2024 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and Mr. Anuj Kumar Shrivastava,
learned APP for the State.

2. Petitioner seeks bail, who is in custody since
13.03.2023, in connection with Ara Town P.S. Case No. 02 of
2023, F.I.R. dated 01.01.2023 registered for the offences
punishable under Sections 147, 149, 323, 307, 354, 504, 506 of
the Indian Penal Code and later on Section 302 of the Indian
Penal Code was added. .

3. Learned Senior counsel for the petitioner submits
that the petitioner is innocent and he has been falsely implicated
in the present case. Further submits that there is case and
counter case between the parties and both sides have sustained



injuries and there was free fighting between the parties and there is no intention to kill anyone.

4. Earlier the bail petition of the petitioner was rejected vide order dated 14.09.2023 passed in Cr. Misc. No. 54525 of 2023.

5. Learned Senior counsel for the petitioner submits that after rejection of the earlier bail of the petitioner and now charge has been framed against the petitioner and the petitioner is in custody since 13.03.2023 more than one year.

6. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in both the pending matters.

7. Considering the aforesaid facts as well as the period of custody, let the petitioner, above named, 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, Bhojpur at Ara in connection with Ara Town P.S. Case No. 02 of 2023, subject to the 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 antecedents, 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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