

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32119 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- SIMRI District- Buxar

Gyan Prakash Rai Son of Vrindavan Rai Resident of Village- Ekauna, P.O.-
Ekauna, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-09-2024 Heard Mr. Shailendra Kumar Choubey, learned
counsel for the petitioner and Mr. Mohammad Sufyan, learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Simri P.S. Case No. 164 of 2023, F.I.R. dated 27.05.2023 registered for the offences punishable under Sections 323, 324, 307, 325, 341, 379 and 34 of the Indian Penal Code.

3. Allegation against the petitioner that he has assaulted the informant and their family members due to which they sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and he has not committed any offence as alleged in the F.I.R. Although, there is specific allegation against the petitioner that he has assaulted the informant and their family members but the injury report of the injured persons suggests that all the injuries are simple in nature

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that from perusal of the F.I.R. it appears that there is direct and specific allegation against the petitioner that he has assaulted the informant and apart from that the petitioner carries one more case 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 the pending matter.

6. Considering the facts and circumstances of the case, 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, Buxar in connection with Simri P.S. Case No. 164 of 2023, 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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