

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36356 of 2024

Arising Out of PS. Case No.-1002 Year-2023 Thana- KHAGARIA District- Khagaria

Rana Kumar @ Aditya Kumar Son of Ajay Kumar Sharma R/O Vill.-
Chandranagar, P.S.- Muffasil Khagaria, Dist.- Khagaria, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr.Shailendra Kumar Singh, learned counsel
for the petitioner and Mr.Mohammad Sufyan, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Khagaria (Chitraguptnagar) P.S.Case No.1002 of 2023,FIR dated 28.09.2023 registered for the offences punishable under Sections 341,323,307,504,506/34 IPC.

3. The prosecution case, in short, is that the informant alleges that on 27.09.2023 he was going to Sadar Hospital Khagaria as his aunt was suffering from Dengue. In the meantime, petitioner alongwith other co-accused persons and 5-6 unknown people stopped the vehicle of informant and attached. Sunny Yadav and Vicky Donor gave knife blows in the stomach of informant, he ran towards Koshi college/hospital but



then accused persons followed and assaulted.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that although the petitioner is named in the FIR and from a bare perusal of the FIR it appears that the FIR is in two parts, in 1st part, there is specific allegation of assault attributed against co-accused persons, namely, Sunny Yadav and Vicky Donor that they have given knife blow in the stomach of the informant and in the 2nd part, there is general and omnibus allegation against all the accused persons including the petitioner that they have assaulted to the informant by lathi and Danda.

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 Chief Judicial Magistrate, Khagaria in connection with



Khagaria (Chitraguptnagar) P.S.Case No.1002 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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