

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39759 of 2024

Arising Out of PS. Case No.-907 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Raman Kumar S/O Sheshnath Singh, R/O Village- Murhariya, Post- Katheri,
P.S- Mohaniya, Distt.- Kaimur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Dhananjay Kumar, the learned counsel for
the petitioner and Mr. Yogendra Kumar Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mohaniya PS Case No. 907 of 2023, FIR dated
23.12.2023, registered for the offences punishable under Sections
147, 149, 341, 342, 323, 353, 435 and 308 of the Indian Penal
Code.

3. According to the prosecution case, after receiving
secret information that some accident has taken place near Upwan
Hotel at GT Road, the informant reached at the alleged place and
found that a truck driver is being thrashed by mob and a loaded
truck, a dead body and an accidental bike are lying nearby.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and the name of petitioner transpired on the basis of CCTV footage, but upon examination of CCTV footage, it appears that there is no sign of any assault or overt act and the petitioner has been captured in the CCTV footage because his shop is situated near the place of occurrence. He lastly submits that a co-accused person namely, Ajay Kumar @ Pankaj Sharma has been granted the privilege of anticipatory bail by the learned trial Court itself vide order dated 02.03.2024 passed in ABP No. 263 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the fact that petitioner has clean antecedent, he is not named in the FIR and his name transpired during the course of investigation on the basis of CCTV footage, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua, where the case is pending in



connection with **Mohaniya PS Case No. 907 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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