

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47830 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- KHAGARIA District- Khagaria

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1. Diwakar Paswan Son of Devrat Paswan Village- Mathurapur Ward No. 6, P.S.- Khagaria, Distt.- Khagaria
 2. Ramesh Sharma Son Of Arun Sharma Village- Mathurapur Ward No. 6, P.S.- Khagaria, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Santosh Kumar Singh, learned counsel

for the petitioners and Mr. Bhanu Pratap Singh, learned APP for

the State.

2. Learned counsel for the petitioners submits that

during the pendency of the petition, petitioner no. 1, namely,

Diwakar Paswan has been arrested and as such he seeks

permission to withdraw the application with respect to petitioner

no. 1, namely, Diwakar Paswan as having become infructuous.

3. Permission is accorded.

4. The bail application with respect to petitioner

no.1, namely, Diwakar Paswan is dismissed as withdrawn as

having become infructuous.



5. The petitioner no. 2 is apprehending his arrest in connection with Khagaria P.S. Case No. 208 of 2024, dated 27.03.2024 registered for the offences punishable under Sections 341, 452, 380, 387, 147, 504, 506 of the Indian Penal Code.

6. Allegation against the petitioner no. 2 is that he along with other co-accused persons came armed with lathi, pistol and started abusing the informant and also demanded Rs. 1,00,000/- as extortion money. It is further alleged that he along with other co-accused persons entered the house of the informant and looted Rs. 50,000/- and ornaments worth Rs. 1,00,000/-

7. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 has clean antecedents and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act or rangdari attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner no. 2 and it also appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 24.03.2024 but the present F.I.R. was instituted on 27.03.2024 after delay of three



days afterthought only to falsely implicate the petitioner.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner no. 2.

9. Considering the aforesaid facts that the petitioner no. 2 having clean antecedents and there is no accusation of any assault or overt or demand of *rangdari* attributed against the petitioner no. 2, let the petitioner no. 2, namely Ramesh Sharma, 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, Khagaria in connection with Khagaria P.S. Case No. 208 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 2 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 no. 2 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 no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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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