

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47744 of 2024

Arising Out of PS. Case No.-561 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Rustam Ali @ Md Rustam Ali S/O Md Mazloom @ Md Mazlum R/O
Mohalla- Lal Pokhar Mufti Mohalla, P.O- Lalbagh, P.S- Town, Distt.-
Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhumala Kumari, Advocate
For the State : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mrs. Madhumala Kumari, learned counsel
for the petitioner and Mrs. Rita Verma, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Laheriasarai P.S. Case No. 561 of 2021, F.I.R. dated 27.11.2021 for the offences punishable under Sections 342, 323, 384, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons has demanded extortion money from the informant. It is further alleged that all the accused persons abused and assaulted the informant and also snatched Rs. 17,000/- from his pocket.

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 the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that although the petitioner has been named in the FIR but there is no specific allegation of any assault or overt act or demand of ransom is attributed against all the accused persons including the petitioner.

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 the fact that petitioner having clean antecedent, there is no specific allegation of any assault or overt act or demand of ransom attributed against the petitioner, let the petitioner, above named, in the event of 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 the learned C.J.M., Darbhanga in connection with Laheriasarai P.S. Case No. 561 of 2021, 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 absence on two consecutive dates without sufficient reason, his 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 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)

ajay/-

U		T	
---	--	---	--

