

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48533 of 2024

Arising Out of PS. Case No.-768 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Pankaj Kumar @ Badal Son Of Kripali Thakur Resident Of Village-Shivrahan
Chaturbhuj, Post- Jhapaha, P.S -AHIYAPUR District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr.Ganesh Prasad Singh, learned counsel for
the petitioner and Ms.Rina Sinha, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S.Case No.768 of 2023, FIR dated 19.06.2023 registered for the offences punishable under Sections 341,323,324,307,379/34 of IPC.

3. The prosecution case in brief is that on 18.06.2023 at about 12.00 PM the informant was taking his son Amit Kumar on a bike to Patna. When he reached near the saloon of Badal then Rahul Kumar stopped him and started abusing and beating the informant. Durga Sah took out the keys of the informant's Bike and Raushan Kumar hit the informant's son Amit on his head with the knife and when the informant tried to



catch the knife then Rahul Kumar hit the informant with the knife on his right hand. Badal Kumar caught hold of informant's hand and Rahul Kumar again hit the informant on his cheek with knife.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner and as per FIR allegation against the petitioner is that he caught hold the hand of the informant and other co-accused persons have assaulted to the informant and co-accused persons, namely, Rahul Kumar and Durga Sah have been granted privilege of anticipatory bail by this Court vide order dated 08.05.2024 passed in Cr. Misc. No.28185 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and co-accused persons, namely, Rahul Kumar and Durga Sah have been granted privilege of anticipatory bail by this Court, 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 C.J.M.,Muzaffarpur in connection with Ahiyapur P.S.Case No.768 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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