

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49971 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Suraj Kumar @ Suraj Sharma Son of Dasrath Sharma R/o Moh.- Bhartiya
Nagar, Ward No.26/35, P.S.- Saharsa Sadar, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Binod Kumar Sinha, learned counsel for

the petitioner as well as Mr. Choubey Jawahar, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Saharsa Sadar P.S. Case No. 363 of 2023, F.I.R.
dated 10.06.2023 for the offences punishable under Sections
341, 323, 325, 307, 379, 511, 504, 506 and 34 of the Indian
Penal Code.

3. According to prosecution case, the petitioner along
with other unknown co-accused persons armed with rod and
hockey stick assaulted the informant which caused severe injury
to the informant. They also attempted to take Rs. 50,000/- from
the shop of the counter.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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 against this petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that the other co-accused person namely Abhijeet Kumar @ Abhijit Rajak against whom there was similar allegation has been granted anticipatory bail by this Court vide order dated 02.05.2024 passed in Cr. Misc. No. 25362 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that there is no specific allegation of any assault or overt act against this petitioner and co-accused person, namely, Abhijeet Kumar @ Abhijit Rajak has been granted bail by this Court, 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 Chief



Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 363 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 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)

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