

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56197 of 2024

Arising Out of PS. Case No.-430 Year-2023 Thana- ROSERA District- Samastipur

Lalit Kumar Jha @ Lalit Jha Son of Sudhir Jha Resident of Village- Nande
Nagar, Police Station -Rosera, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratik, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-12-2024 Heard Mr. Pratik, learned counsel for the petitioner
and Mr. Bhanu Pratap Singh, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 430 of 2023, F.I.R. dated 10.07.2023 for the offences punishable under Sections 147, 148, 149, 341, 427, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, on 09.07.2023 at 7:00 PM all accused attacked on temple and after seeing the informant, they started saying that burn the *mahanth* alive here and buried him too here itself. After seeing them, the informant tried to run out but Shambhu Jha caught him and the petitioner assaulted him by butt of gun on his head due to which he became unconscious.

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 although there is direct and specific allegation against the petitioner that he along with other co-accused person has assaulted to the informant but injury report of the informant suggests that the injury is simple in nature and apart from that police, after investigation, has not sent up the petitioner for trial and learned Court below differing with the report of the police has taken cognizance against the petitioner and other co-accused persons.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and he has participated in the present crime in question and apart from that petitioner carries two more cases other than the present one.

6. Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate-I, Rosera at Samastipur in



connection with Rosera P.S. Case No. 430 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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