

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60857 of 2024

Arising Out of PS. Case No.-806 Year-2023 Thana- NAGAR District- Vaishali

Ramlal Kumar Lalla @ Sonu Kumar Son of Arun Ray @ Arun Rai @ Arun Kumar, Resident of Mohalla- Rambhadra, P.S.- Hajipur Town, Distt.- Vaishali at Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sachin Kumar, Advocate

For the Opposite Party : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr. Sachin Kumar, the learned counsel for the petitioner and Mr. Md. Ataur Rahman, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hajipur Town PS Case No. 806 of 2023, FIR dated 05.10.2023, registered for the offences punishable under Sections 147, 148, 149, 504, 506, 307 and 384 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, while the informant was sitting on his land along with some people, the co-accused persons along with four unknown persons, variously armed, came there and demanded Rs. one crore as ransom money, otherwise they will strip him of his property. It is further alleged that one Deepak Kumar, with an intention to kill, fired



upon the informant, but he somehow save himself. Arun Rai also fired but the shot was miss-fired and the co-accused persons, while leaving, threatened the informant with dire consequences.

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 upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or firing attributed against the petitioner, rather the specific allegation of firing is made against the co-accused persons namely, Deepak Kumar and Arun Rai, that they have fired upon the informant and at best, the petitioner may be considered as member of the anti-social elements.

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 mainly the facts that petitioner has clean antecedent and there is no specific allegation of any assault or overt act or firing attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial



Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Vaishali at Hajipur, where the case is pending in connection with **Hajipur Town PS Case No. 806 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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