

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60008 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

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Rohit Kumar Son of Devendra Sahni, R/o Village- Uttari Dhamoun, P.S.-
Patory, Dist.- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Prasad Roy, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Shankar Prasad Roy, the learned counsel

for the petitioner and Mr. Raj Ballabh Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Patory PS Case No. 76 of 2024, FIR dated
06.03.2024, registered for the offences punishable under
Sections 341, 323, 379, 354 and 504 read with Section 34 of the
Indian Penal Code.

3. According to the prosecution case, the petitioner in
a drunken state entered into the house of the informant and
misbehaved with informant's daughter-in-law. Thereafter, Ranju
Devi and Devendra Sahni assaulted the informant and his
daughter-in-law and Devendra Sahni snatched the golden chain



worth Rs. 1,00,000/- (Rupees one lakh) and Ranju Devi took clothes and utensils worth Rs. 12,000/- (rupees twelve thousand) and Rs. 7000/- (rupees seven thousand).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that the date of occurrence is on 21.02.2024 and the date of institution of FIR is on 06.03.2024, after a delay of about thirteen days without giving any explanation for the delay. He lastly submits that the present FIR has been instituted after lodging of an FIR from the petitioner's side on 05.03.2024.

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 a delay of about thirteen days in the institution of the present FIR without giving any explanation for the delay, 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 Judicial Magistrate 1st Class, Samastipur, where the case is pending in connection with **Patory PS Case No. 76 of 2024**, 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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