

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61179 of 2024

Arising Out of PS. Case No.-838 Year-2023 Thana- BIHAR District- Nalanda

Niranjan Kumar S/o Sri Surendra Yadav @ Surendra Prasad R/o Mohalla
Pandit Nagar, P.s. - Bihar, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 332, 323, 427, 337 and 353 of the Indian Penal Code as well as Section 45 of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases.

4. The informant alleges that on secret information, the police reached the place of occurrence and saw a drunkard, who was creating nuisance in the middle of the road, accordingly, he was taken to the police station when it is alleged that 6-7 accused persons came and attacked the police and damaged the police motorcycle and took the drunkard with



them.

5. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot. It is further submitted that the allegation is general and omnibus in nature and the petitioner came to be implicated at the instance of the local person but then it is submitted that name of the person, who disclosed the name of the petitioner, is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that since the petitioner has antecedent of two cases as such he came to be implicated in the present case.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihar P.S. Case No. 838 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than two cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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