

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64660 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- BARHIYA District- Lakhisarai

Nikki Kumar Son of Baleshwar Yadav, Resident of Village- Golbhata Barahiya, P.S- Barahiya, District- Lakhisarai (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Arvind Kumar, the learned counsel for the petitioner and Mr. Anant Kumar 1, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barahiya PS Case No. 265 of 2023, FIR dated 09.11.2023, registered for the offences punishable under Sections 341, 323, 354, 354(B), 379, 448, 506 and 504 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the petitioner entered into the house of the informant and misbehaved with her. It is further alleged that petitioner along with other co-accused persons assaulted informant's husband and took Rs. 5,000/- (Rupees five thousand only) cash from informant's husband pocket and also snatched golden chain of the informant.

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. In fact, informant is aunty of the petitioner and it appears from annexure-2 of the bail petition that there both the parties are agnates, there is case and counter case between them and due to admitted land dispute the present occurrence has taken place.

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 both the parties are agnates and there is case and counter case between them, 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, Lakhisarai, where the case is pending in connection with **Barahiya PS Case No. 265 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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