

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61089 of 2024**

Arising Out of PS. Case No.-49 Year-2023 Thana- PALANWA District- East Champaran

Lotan Gaddi @ Lotan Gadi S/O Puran Gaddi @ Puran Gadi R/O Babueya,  
P.S.- Palanwa, District- East Champaran. .. ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate  
For the Opposite Party/s : Mr.Ram Bilash Roy Raman,APP  
For the Informant : Mr. Mr.Vijay Shankar Srivastava, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      28-08-2024                      Heard Mr.Nafisu Zzoha, learned counsel for the petitioner, Mr.Vijay Shankar Srivastava, learned counsel for the informant and Mr.Ram Bilash Roy Raman,learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 19.03.2023, in connection with Palanwa P.S. Case No. 49 of 2023, F.I.R. dated 13.03.2023 in a case registered for the offence under Sections 147,148,341,323,307,379,504 of IPC and added Section 302 of IPC.

3. Earlier the prayer for bail of the petitioner is rejected by a Coordinate Bench of this Hon'ble Court vide order dated 08.12.2023 passed in Cr.Misc.No.60290 of 2023.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in



the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.03.2023 more than one and half year.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the subsequent statement of the victim was recorded in para-5 of the case diary in which she has categorically stated that the petitioner has assaulted the son of the informant and apart from that, a number of witnesses have supported the case of the prosecution in paragraph Nos.-17 and 39 of the case diary.

6. Considering the aforesaid facts, petitioner has clean antecedent and as per FIR there is no specific allegation against the petitioner, let the petitioner, above named, 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



learned Addl. Sessions Judge-19th East Champaran, Motihari in connection with Palanwa P.S. Case No. 49 of 2023 with the 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/her absence on two consecutive dates without sufficient reason, his/her 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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