

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64079 of 2023

Arising Out of PS. Case No.-103 Year-2012 Thana- BHARGAMA District- Araria

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Birendra Kumar @ Virendra Yadav @ Bablu Yadav S/O Sri Bhola Prasad
Yadav R/O Vill - Manik Chand Chakala, P.S. - Raghour, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Ram Sandesh Roy, learned counsel for
the petitioner and Mr. Md. Fahimuddin, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bhargama P.S. Case No. 103 of 2012, F.I.R.
dated 19.12.2012 for the offences punishable under Sections
323, 341, 324, 325, 307, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, an accident took
place between the informant's truck and petitioner's Maruti car
and this petitioner along with one other person started assaulting
the informant and also took Rs. 5,500/- from his pocket.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that for the same set of occurrence two F.I.R has been instituted against the petitioner where one F.I.R has been lodged by a local chowkidar bearing Bhargama P.S. Case No. 105 of 2012 and the present F.I.R has been instituted by the informant. He further submits that the petitioner has obtained bail in Bhargama P.S. Case No. 105 of 2012 and thereafter, the police has submitted the final form in favour of the petitioner. He further submits that all of a sudden the petitioner came to know that for the same set of occurrence another F.I.R bearing Bhargama P.S. Case No. 103 of 2012 was instituted by the informant, then the petitioner has approached the court of 2nd Additional District & Sessions Judge, Araria for grant of anticipatory bail but the same was rejected vide order dated 26.07.2023. He further submits that from perusal of the F.I.R bearing Bhargama P.S. Case No. 103 of 2012 it appears that there is same level of allegation against the petitioner and the petitioner is the owner of the vehicle in question.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 1 criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 103 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his 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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