

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62711 of 2023

Arising Out of PS. Case No.-517 Year-2022 Thana- PURNEA SADAR District- Purnia

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Ajay Kumar @ Ajay Kumar Sahni S/O Umesh Sahni Mohalla- Gandhi Nagar,
Gulabbagh, Ps- Sadar, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr.Bijendra Kumar Singh, learned counsel for
the petitioner and Mr.Md. Nazir Ansari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sadar P.S.Case No.517 of 2022,FIR dated
16.07.2022 registered for the offences punishable under
Sections 341,342,323,307,506,34 of IPC.

3. Allegation against the petitioner is that he
alongwith other co-accused persons together brutally assaulted
the son of the informant when he demanded his dues amount
from those people.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. From
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 there is case and counter case between the parties and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-2 of the supplementary affidavit.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned C.J.M., Purnea in connection with Sadar P.S.Case No.517 of 2022, 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/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/her 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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