

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64481 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- CHIRAIYA District- East Champaran

Bhola Singh @ Bhola Patel Son of Late Krit singh @ Krit Patel Resident of
Baswariya, P.S -Chiraiya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Kundan Rathore, learned counsel for the

petitioner and Mr. Damodar Prasad Tiwary, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Chiraiya P.S. Case No. 19 of 2024, F.I.R. dated
13.01.2024 registered for the offences punishable under Sections
341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
other co-accused persons came having with lathi, iron rod, farsa
and started assaulting the informant due to which he sustained
injuries and fell down.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation attributed against co-accused person namely Kamlesh Patel. He further submits that other co-accused Umesh Singh and others have been granted the privilege of anticipatory bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 40716 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner as well as other similarly situated co-accused persons have been granted the privilege of anticipatory bail by this Court, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 19 of 2024,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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