

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65346 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- BALIA BELON District- Katihar

Bimal Parihar S/o- Late Yagannath Parihar Vill- Pilkhana Ps- Balia Belone
Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr.Md Ziaul Quamar, learned counsel for the

petitioners and Mr.Nirmal Kumar Sinha, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Balia Belone P.S.Case No.70 of 2023,FIR dated 04.06.2023 registered for the offences punishable under Sections 341,323,354,379,307,504,506,34 of IPC.

3. Prosecution case according to the FIR in brief is that when the informant was sleeping in her courtyard, the petitioner along with other persons entered in drunken condition and started to abuse her. On protest, they entered into her house and assaulted her. They assaulted her with Khanti, due to which she sustained injuries. Javed snatched her jewellery.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent. He has falsely been implicated in the present case. From a bare perusal of the FIR it appears that there is specific allegation of assault attributed against co-accused persons, namely, Dharmendra Parihar, Md. Shafiq and Md. Javed. There is no specific allegation of any assault or overt-act attributed against the petitioner and co-accused person, namely, Dharmendra Parihar, against whom the allegation of assault, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 17.10.2023 passed in Cr. Misc. No.65831 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and there is no specific allegation of any assault or overt-act attributed against the petitioner, 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., Katihar in connection with Balia Belone P.S.Case No.70 of 2023, 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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