

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66151 of 2024

Arising Out of PS. Case No.-227 Year-2021 Thana- GAYA MUFASIL District- Gaya

Sahdeo Prasad S/o Kailash Prasad R/o Village- Baradih, P.S.- Mufassil,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Sanjay Kumar Sinha, learned counsel
for the petitioner and Ms. Renu Kumari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mufassil P.S. Case No. 227 of 2021, F.I.R. dated 18.05.2021 for the offences punishable under Sections 341, 323, 324, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including this petitioner have assaulted the informant. It is further alleged that the co-accused, Sikandar Kumar assaulted the informant by means of lathi and Ajay Chauhan fired upon him.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits there is no specific allegation of assault or overt act against the petitioner rather there is allegation against the co-accused, namely, Sikandar Prasad and the said Sikandar Prasad @ Sikandar Kumar has been granted bail by this Court vide order dated 08.05.2024 passed in Cr. Misc. No. 28341 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation of any assault or overt act attributed against the petitioner and the co-accused has been granted anticipatory bail by this Court, 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, Gaya in connection with Mufassil P.S. Case No. 227 of 2021, 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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